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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OTO ANALYTICS, LLC f/k/a OTO
ANALYTICS, INC. d/b/a WOMPLY,

Petitioner,

v.

BENWORTH CAPITAL PARTNERS, LLC,

Respondent.

Case No. 3:24-cv-3975 (AMO)

**RESPONDENT'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

N.D. Cal. L.R. 7-11 and 79-5

**RESPONDENT'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED**

TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Respondent Benworth Capital Partners, LLC (“Benworth”) will and hereby does move the Court to consider whether Benworth’s Opposition to Respondent Oto Analytics, LLC f/k/a Oto Analytics, Inc., d/b/a Womply (“Womply”)’s Motion to Confirm Arbitration Award and for Entry of Judgment, which contains certain material designated as “Confidential” or that otherwise discloses potentially confidential, proprietary, or private information, should be sealed. Benworth files this motion to comply with Civil Local Rules 7-11 and 79-5, as well as the Stipulated Protective Order entered in the underlying arbitration and the JAMS Comprehensive Arbitration Rules and Procedures, which governed the arbitration.

Material To Be Filed Under Seal

Womply filed this action seeking to confirm an arbitral award. The arbitration was governed by the JAMS Comprehensive Arbitration Rules and Procedures. JAMS Rule 26(a) provides that “JAMS and the Arbitrator shall maintain the confidential nature of the Arbitration proceeding and the Award, including the Hearing, except as necessary in connection with a judicial challenge to or enforcement of an Award, or unless otherwise required by law or judicial decision.” In addition, Paragraph 12.3 of the Stipulated Protective Order entered in the arbitration requires materials designated as “Confidential” (i.e., “Protected Material”) to be filed under seal. “Protected Material” includes information (regardless of how it is generated, stored or maintained) or tangible thing that contain trade secrets, proprietary business information, competitively sensitive information, personally sensitive or private information, or any other information, documents, or testimony not previously disclosed to the public. *See* Stipulated Protective Order, ¶¶ 2.2, 2.5, & 2.12.

In accordance with Civil Local Rule 79-5(f), Benworth submits this Administrative Motion because its Opposition contains certain information that Womply has claimed or may claim is confidential. Womply has the burden to justify its claims of confidentiality and to establish that the designated information is sealable. Civ. L.R. 79-5(f)(3) & (c)(1). In the interim, Benworth is provisionally submitting the following information under seal:

Document	Description	Citation
Opposition	Benworth's Opposition to Womply's Motion to Confirm Arbitration Award and for Entry of Judgment	5:18-19; 5:20-21; 5:22; 8:2-5; 8:6-7; 8:9-14; 8:15-21; 8:22-25; 8:26-28; 9:2-7; 9:8-11; 9:12-19; 10:12-13; 11:18-19; 12:9-10; 14:4; 16:25-27; 17:1-3; 17:5-7; 17:8-12; 21:23-24; 25:7-9; 25:9-10
Exhibit 1	Excerpts from Arbitration Closing Argument Transcript (June 29, 2023)	
Exhibit 5	2/14/2021 Email from T. Scammell to M. Roth re: PPP Fast Lane	JX030
Exhibit 6	Excerpts from Arbitration Hearing Transcript Day 2 (March 21, 2023)	
Exhibit 7	Womply Disclaimer re: Tax Documents Qualification Issue	JX355
Exhibit 8	Declaration of Toby Scammell dated November 30, 2022	JX323
Exhibit 9	Borrower-facing screenshots of Fast Lane	JX340
Exhibit 10	Excerpts from Arbitration Hearing Transcript Day 3 (March 22, 2023)	
Exhibit 12	3/18/2021 Email from Connie Spencer-Adams to Toya De La Cruz re: Applying through Womply	JX060
Exhibit 14	Excerpts from Arbitration Hearing Transcript Day 4 (March 23, 2023)	
Exhibit 15	Benworth's Post-Hearing Brief	
Exhibit 17	Benworth's Motion for Reconsideration	
Exhibit 18	Womply PPP Program – 03. Training – 3.06 Application	JX356
Exhibit 19	Benworth's Pre-Hearing Brief	
Exhibit 20	Benworth's Response to Womply's Post-Hearing Brief	
Exhibit 21	Benworth's Motion to Stay	

None of the materials in the above chart have been designated as confidential by Benworth. Benworth takes no position at this time on whether any of these designated portions satisfy the requirements for sealing, and specifically reserves the right to challenge any designation under the Stipulated Protective Order as well as the propriety of sealing any of these materials under Civil Local Rule 79-5 and applicable law.

1 In compliance with Civil Local Rules 7-11 and 79-5, the following attachments accompany this
2 motion:

- 3 1. The declaration in support of this Motion;
- 4 2. A proposed order that lists in table format each document to be sealed;
- 5 3. Unredacted version of Benworth's Opposition to Womply's Motion to Confirm
6 Arbitration Award and for Entry of Judgment;
- 7 4. Unredacted versions of each Exhibit listed in the above chart.

8
9 Dated: September 6, 2024

Respectfully submitted,

10 /s/ Dwayne A. Robinson

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