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

BENWORTH CAPITAL PARTNERS, LLC,

Petitioner,

v.

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

Respondent.

Case No. 3:24-cv-4840-AMO

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

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

Hon. Araceli Martínez-Olguín

**PETITIONER'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 Petitioner Benworth Capital Partners, LLC (“Benworth”) will and hereby does move the Court to consider whether Benworth’s Reply in Support of Petition to Vacate Final Arbitration Award, 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

Benworth filed this action seeking to vacate 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 Reply contains certain information that Respondent Oto Analytics, LLC f/k/a Oto Analytics, Inc., d/b/a Womply (“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
Reply	Benworth's Reply in Support of Petition to Vacate Final Arbitration Award	5:21-22; 8:20-21; 10:2-3

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.

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

1. The declaration in support of this Motion;
2. A proposed order that lists in table format each document to be sealed; and
3. An unredacted version of Benworth's Reply in Support of Petition to Vacate Final Arbitration Award.

Dated: September 9, 2024

Respectfully submitted,

/s/ Dwayne A. Robinson

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