

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

	)	
UNITED STATES OF AMERICA <i>ex rel.</i>	)	
DAVID BERTELETTI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 20-CV-12114-GAO
	)	
KABBAGE, INC.,	)	
KABBAGE PAYMENTS LLC,	)	
AND DOES 1-50,	)	
	)	
Defendants.	)	
	)	

JOINT STIPULATION OF DISMISSAL

Relator David Berteletti filed a Notice of Voluntary Dismissal as to defendants Kabbage Payments LLC and Does 1-50 on March 29, 2024. Pursuant to the False Claims Act, 31 U.S.C. §3730(b)(1), the United States consents to dismissal of the relator's Complaint as to Kabbage Payments LLC and Does 1-50 without prejudice to the rights of the United States.

Furthermore, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the May 7, 2024 Settlement Agreement (“Agreement”) among the United States, the relator, and KServicing Wind Down Corp. and the bankruptcy estates of Kabbage, Inc. d/b/a KServicing (the “Wind Down Estates”) (through its Wind Down Officer Jeremiah Foster) (“the “Wind Down Officer”)), the United States and the relator hereby seek dismissal of this action as to defendant Kabbage, Inc. as follows: (1) with prejudice as to the United States for the Covered Conduct, as that term is defined in the Agreement; (2) without prejudice as to the United States for all other claims in the relator’s complaint; (3) with prejudice to the relator

as to all allegations in the relator's complaint.

Relator stipulates that the Allowed Claim Amount set forth in the Agreement and that the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that Relator will not challenge the Agreement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that Relator expressly waives the opportunity for a hearing on any objection to the settlement under 31 U.S.C. § 3730(c)(2)(B) or applicable state law.

A proposed order accompanies this joint stipulation.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JOSHUA S. LEVY
Acting United States Attorney

Dated: July 8, 2024

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DAVID BERTELETTI

Dated: July 8, 2024

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CERTIFICATE OF SERVICE

I certify that the foregoing notice was served on the following counsel for the Wind Down Estates by e-mail on the date below.

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