

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.	)	
_____	)	

[PROPOSED] ORDER

Relator David Berteletti having Filed a Notice of Voluntary Dismissal as to defendants Kabbage Payments LLC and Does 1-50 and the United States having filed its Notice of Consent to Dismissal pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and 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:

It is hereby **ORDERED** that this action shall be dismissed as follows:

- (1) Defendants Kabbage Payments LLC and Does 1-50 are dismissed without prejudice as to relator and as to the United States;
- (2) Claims against Kabbage, Inc. for the allegations described in the Agreement’s Covered Conduct are dismissed with prejudice as to the United States;
- (3) All other claims against Kabbage, Inc. in the Civil Action shall be dismissed without prejudice as to the United States; and

(4) All claims against Kabbage, Inc. in the Civil Action shall be dismissed with prejudice as to the relator.

Dated: _____

GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE