

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

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	:	
In re	:	Chapter 11
	:	
KABBAGE, INC. d/b/a KSERVICING, et al.,	:	Case No. 22-10951 (CTG)
	:	
Debtors.¹	:	(Jointly Administered)
	:	
	:	Re: Docket Nos. 172, 206, 211 & 213
	X	

**CERTIFICATION OF COUNSEL REGARDING REVISED ORDER (I) AUTHORIZING
AND APPROVING THE SETTLEMENT AGREEMENT BETWEEN KSERVICING
AND CUSTOMERS BANK AND (II) GRANTING RELATED RELIEF**

The undersigned hereby certifies as follows:

1. On October 27, 2022, Kabbage, Inc. d/b/a KServicing and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”), filed the *Debtors’ Motion for Entry of an Order (I) Authorizing and Approving the Settlement Agreement Between KServicing and Customers Bank and (II) Granting Related Relief* [Docket No. 172] (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”). A proposed form of order granting the relief requested in the Motion was attached to the Motion as **Exhibit A** (the “**Proposed Order**”).

2. On October 28, 2022, the Debtors filed a motion to shorten the notice and objection periods for the Motion [Docket No. 173] (the “**Motion to Shorten**”), and the Court entered an order granting the Motion to Shorten [Docket No. 174] (the “**Order Shortening**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable are: Kabbage, Inc. d/b/a KServicing (3937); Kabbage Canada Holdings, LLC (N/A); Kabbage Asset Securitization LLC (N/A); Kabbage Asset Funding 2017-A LLC (4803); Kabbage Asset Funding 2019-A LLC (8973); and Kabbage Diameter, LLC (N/A). Kabbage is a trademark of American Express used under license; Kabbage, Inc. d/b/a KServicing is not affiliated with American Express. The Debtors’ mailing and service address is 925B Peachtree Street NE, Suite 383, Atlanta, GA 30309.

Notice”). The Order Shortening Notice set the deadline for parties to file responses or objections to the relief requested in the Motion, if any, for November 4, 2022 at 4:00 p.m. (prevailing Eastern Time) (the “**Objection Deadline**”), and a hearing date on the Motion for November 7, 2022 at 1:00 p.m. (prevailing Eastern Time) (the “**Hearing**”).

3. Prior to the Objection Deadline, Cross River Bank (“**CRB**”) filed an objection [Docket No. 206] (the “**Objection**”) to the Motion.

4. On November 7, 2022, the Court held the Hearing to consider, among other things, the relief requested in the Motion and the Objection. At the Hearing, the Court granted the Motion and overruled the Objection for the reasons set forth on the record at the Hearing. Consistent with the Court’s ruling at the Hearing, the Debtors have prepared a revised form of Proposed Order (the “**Revised Order**”), attached hereto as **Exhibit 1**. The Revised Order has been circulated to CRB, and CRB does not object to the entry of the Revised Order. For the convenience of the Court and all parties in interest, a redline comparison of the Revised Order marked against the Proposed Order is attached hereto as **Exhibit 2**.

[Remainder of page intentionally left blank]

WHEREFORE the Debtors respectfully request that the Revised Order be entered at the earliest convenience of the Court.

Dated: November 9, 2022
Wilmington, Delaware

/s/ Matthew P. Milana

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