

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

	X		
	:		
In re	:		Chapter 11
	:		
KABBAGE, INC. d/b/a KSERVICING, et al.,	:		Case No. 22-10951 (CTG)
	:		
Debtors.¹	:		(Jointly Administered)
	:		
	:		Re: Docket Nos. 466, 467 & 470
	:		
	X		

**CERTIFICATION OF COUNSEL REGARDING ORDER APPROVING
STIPULATION BY AND BETWEEN THE DEBTORS AND CORPORATION SERVICE
COMPANY DISALLOWING A CERTAIN CLAIM SOLELY FOR VOTING PURPOSES**

The undersigned hereby certifies as follows:

1. On October 11, 2022, Corporation Service Company (“CSC”) filed the following two (2) proofs of claim against the above-captioned debtors (collectively, the “**Debtors**”):
 - i. Claim no. 955-1 against Kabbage Asset Funding 2019-A LLC (the “**Subsidiary Claim**”); and
 - ii. Claim no. 951-1 against Kabbage, Inc. d/b/a KServicing (the “**KS Claim**”).

By the Subsidiary Claim, CSC asserts a general unsecured claim against Debtor Kabbage Asset Funding 2019-A LLC in the amount of \$740.00 for services rendered prepetition.

2. On January 19, 2023, the Court entered the *Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving*

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.

Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 470] (the “**Disclosure Statement Order**”)² approving the Disclosure Statement, which authorized the Debtors to solicit votes to accept or reject the Plan.

3. Pursuant to the Plan, the Subsidiary Claim is in Class 4 under the Plan (General Unsecured Claims).

4. Pursuant to the Disclosure Statement Order, the Tabulation Procedures authorized the Debtors “to enter into stipulations or other agreements with the holder of any Claim agreeing to the amount of a Claim for voting purposes.” Disclosure Statement Order ¶ 28; Motion ¶ 53(l).

5. The Debtors and CSC have engaged in discussions regarding the Subsidiary Claim and have agreed that the Subsidiary Claim shall be deemed disallowed, solely for purposes of voting on the Plan, in accordance with the Disclosure Statement Order and the terms set forth in the *Stipulation By and Between the Debtors and Corporation Service Company Disallowing a Certain Claim Solely for Voting Purposes* (the “**Stipulation**”), a copy of which is attached as **Exhibit 1** to the proposed form of order (the “**Proposed Order**”) attached hereto as **Exhibit A**.³

² Capitalized terms used herein and not otherwise defined shall have the meanings given to them in the Disclosure Statement Order or the Motion (as defined in the Disclosure Statement Order), as applicable.

³ For the avoidance of doubt, the Stipulation does not address the KS Claim and all parties' rights regarding such claim are reserved.

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

Dated: February 13, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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