

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

	X	
	:	Chapter 11
In re	:	
	:	Case No. 22-10951 (CTG)
KABBAGE, INC. d/b/a KSERVICING, et al.,	:	
	:	(Jointly Administered)
	:	
Debtors.¹	:	Re: Docket Nos. 466, 467 & 561
	:	
	X	

**NOTICE OF FILING OF SECOND SUPPLEMENT
TO THE AMENDED JOINT CHAPTER 11 PLAN OF LIQUIDATION
OF KABBAGE, INC. (d/b/a KSERVICING) AND ITS AFFILIATED DEBTORS**

PLEASE TAKE NOTICE that on October 3, 2022 (the “**Petition Date**”), 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**”), commenced cases under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that, on January 19, 2023, the Debtors filed the solicitation versions of the *Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 466] (as may be amended, further supplemented, or modified from time to time, the “**Plan**”) and the *Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and Its*

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.

Affiliated Debtors [Docket No. 467] (as may be amended, further supplemented, or modified from time to time the “**Disclosure Statement**”) with the Court.²

PLEASE TAKE FURTHER NOTICE that the Plan and Disclosure Statement contemplate the submission of certain documents, schedules, and exhibits in advance of the hearing on Confirmation of the Plan (the “**Confirmation Hearing**”).

PLEASE TAKE FURTHER NOTICE that on February 21, 2023, the Debtors filed the *Notice of Filing of Supplement to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 561] (as such documents, schedules, and exhibits contained therein may be modified, amended, or supplemented from time to time, collectively, the “**Plan Supplement**”) in support of the Plan.

PLEASE TAKE FURTHER NOTICE that included in the Plan Supplement was, among other things, the initial Assumption Schedule (the “**Initial Assumption Schedule**”).

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file the following Plan Supplement documents:³

Exhibit	Plan Supplement Document
A	Revised Assumption Schedule ⁴

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan or Disclosure Statement, as applicable.

³ For the avoidance of doubt, no changes have been made to Exhibit B (Non-Exclusive Schedule of Causes of Action), Exhibit C (Wind Down Budget), Exhibit D (Selection of Wind Down Officer), or Exhibit E (Wind Down Agreement) that were included with the original Plan Supplement.

⁴ The revised Assumption Schedule (the “**Revised Assumption Schedule**”) is being filed for informational purposes. Counterparties to any contracts or leases that are identified on the Revised Assumption Schedule that were not identified on the Initial Assumption Schedule will receive separate notice of the deadline to object to the assumption of their contracts or leases and the related cure amount. The Debtors further reserve the right to assume or assume and assign any contracts or leases not identified on the Revised Assumption Schedule with the consent of the non-Debtor counterparty to such contract or lease.

Exhibit	Plan Supplement Document
F	Rejection Schedule ⁵

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file the Revised Assumption Schedule as **Exhibit A**, which replaces and supersedes the Initial Assumption Schedule. A redline comparison of the Revised Assumption Schedule marked against the Initial Assumption Schedule is attached hereto as **Exhibit A-1**.

PLEASE TAKE FURTHER NOTICE that, pursuant to section 8.6 of the Plan, all intellectual property contracts, licenses, royalties, or other similar agreements (each, an “**IP Agreement**”) to which the Debtors have any rights or obligations in effect as of the date of the Confirmation Order shall be deemed assumed by the Debtors unless such IP Agreement is specifically rejected pursuant to a separate order of the Court or is the subject of a separate rejection motion filed by the Debtors in accordance with section 8.1 of the Plan.

PLEASE TAKE FURTHER NOTICE that the list of IP Agreements to be rejected by the Debtors pursuant to the Confirmation Order as of the Effective Date is attached hereto as **Exhibit F**.

PLEASE TAKE FURTHER NOTICE that certain documents, or portions thereof, contained in the Plan Supplement remain subject to continuing negotiations among the Debtors and other interested parties. Subject to the terms and conditions of the Plan and the Disclosure Statement Order, the Debtors reserve all rights to amend, revise, or supplement the Plan Supplement, and any of the documents and designations contained therein, at any time before the

⁵ The appearance of a contract or lease on the Revised Assumption Schedule or the Rejection Schedule is not an admission by the Debtors that such contract or lease is executory or unexpired, as applicable.

Effective Date of the Plan, or any such other date as may be provided for by the Plan, the Disclosure Statement Order, or by order of the Court.

PLEASE TAKE FURTHER NOTICE that the Plan Supplement, including the documents therein, may be viewed free of charge by visiting the website maintained by the Debtors' claims, noticing and solicitation agent, Omni Agent Solutions, Inc. ("**Omni**"), at <http://www.omniagentsolutions.com/kservicing>. Additionally, copies of the Plan Supplement and the documents therein may be obtained by contacting Omni (i) in writing at Kabbage, Inc. d/b/a KServicing, *et al.*, c/o Omni Agent Solutions, Solicitation Team, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367, (ii) by email at kservicinginquiries@omniagnt.com, or (iii) by telephone at 866-956-2138 (U.S. & Canada toll free) or 747-226-5953 (international). You may also obtain copies of any pleadings filed in these chapter 11 cases, including the Plan Supplement, for a fee via PACER at <http://www.deb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE that the Confirmation Hearing will be held before The Honorable Craig T. Goldblatt, United States Bankruptcy Judge for the District of Delaware, 824 North Market Street, Third Floor, Courtroom 7, Wilmington, Delaware 19801, on **March 13, 2023 at 10:00 a.m. (prevailing Eastern Time)**. Please be advised that the Confirmation Hearing may be continued from time to time without further notice other than an adjournment announced in open court or a notice of agenda filed with the Court.

Dated: March 6, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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