

**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, 611 & 627
	:	
	X	

**NOTICE OF FILING OF THIRD 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] and the *Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and Its Affiliated Debtors* [Docket No. 467] (as may be amended, further

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.

supplemented, or modified from time to time the “**Disclosure Statement**”) with the Court.²

PLEASE TAKE FURTHER NOTICE that, contemporaneously herewith, the Debtors filed a revised version of the *Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 627] (as may be amended, further supplemented, or modified from time to time, the “**Plan**”).

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] (the “**Initial Plan Supplement**”), and on March 6, 2023, the Debtors filed the *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* [Docket No. 611] (the “**Second Plan Supplement**” and together with the Initial Plan Supplement and all documents, schedules, and exhibits contained therein as may be modified, amended, or supplemented from time to time, the “**Plan Supplement**”) in support of the Plan.

PLEASE TAKE FURTHER NOTICE that included in the Initial Plan Supplement was, among other things, (i) the initial Non-Exclusive Schedule of Causes of Action (the “**Initial Non-Exclusive Schedule of Causes of Action**”), (ii) the selection of the Wind Down Officer (the “**Selection of the Wind Down Officer**”), and (iii) the initial Wind Down Agreement (the “**Initial Wind Down Agreement**”). In particular, the “Selection of the Wind Down Officer,”

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

which was **Exhibit D** to the Initial Plan Supplement, indicated that the Debtors would modify the Initial Plan Supplement to disclose the identity of the Wind Down Officer once such Wind Down Officer was selected in accordance with the process described therein and set forth in the Plan.

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

Exhibit	Plan Supplement Document
B	Revised Non-Exclusive Schedule of Causes of Action
D	Identity of the Wind Down Officer
E	Revised Wind Down Agreement

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

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file the Identity of the Wind Down Officer as **Exhibit D**, identifying, among other things, the identity of the Wind Down Officer and the Wind Down Officer's compensation arrangement. **Exhibit D** attached hereto replaces and supersedes **Exhibit D** to the Initial Plan Supplement.

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file the Revised Wind Down Agreement as **Exhibit E**, which replaces and supersedes the Initial Wind Down

³ For the avoidance of doubt, no changes have been made to **Exhibit C** (Wind Down Budget) filed on February 21, 2023, and **Exhibit A** (Assumption Schedule) or **Exhibit F** (Rejection Schedule) filed on March 6, 2023, included in the Plan Supplement.

Agreement. A redline comparison of the Revised Wind Down Agreement marked against the Initial Wind Down Agreement is attached hereto as **Exhibit E-1**.

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 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 9, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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