

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

KServicing Wind Down Corp., *et al.*,¹

Post-Confirmation Debtors.

Chapter 11

Case No. 22-10951 (CTG)

(Jointly Administered)

Re: Docket No. 1054

**ORDER SUSTAINING KSERVICING WIND DOWN CORPORATION'S FOURTH
(SUBSTANTIVE) OMNIBUS OBJECTION TO CERTAIN
PROOFS OF CLAIMS [PPP BORROWER CLAIMS]**

Upon the fourth omnibus objection (the “**Objection**”) of KServicing Wind Down Corporation (“**KServicing WD**”), for entry of an order (this “**Order**”) sustaining the Objection and disallowing and expunging in their entirety the Claims set forth in **Schedule 1** attached hereto, and this Court having jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of these Chapter 11 Cases and the Objection in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that proper and adequate notice of the on and the relief requested therein has been provided in accordance with the Bankruptcy Rules and the Local Rules, and that, except as otherwise ordered herein, no other or further notice is necessary; and responses (if any) to the Objection having been withdrawn,

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: KServicing Wind Down Corp. (f/k/a Kabbage, Inc. d/b/a KServicing) (3937); KServicing Wind Down Canada Holdings LLC (f/k/a Kabbage Canada Holdings, LLC) (N/A); KServicing Wind Down Asset Securitization LLC (f/k/a Kabbage Asset Securitization LLC) (N/A); KServicing Wind Down Asset Funding 2017-A LLC (f/k/a Kabbage Asset Funding 2017-A LLC) (4803); KServicing Wind Down Asset Funding 2019-A LLC (f/k/a Kabbage Asset Funding 2019-A LLC) (8973); and KServicing Wind Down Diameter LLC (f/k/a Kabbage Diameter, LLC) (N/A). The Debtors’ mailing and service address is 925B Peachtree Street NE, Suite 383, Atlanta, GA 30309.

resolved or overruled on the merits; and a hearing having been held to consider the relief requested in the Objection and upon the record of the hearing and all of the proceedings had before this Court; and this Court having found and determined that the relief set forth in this Order is in the best interests of the Debtors and their estates; and that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore;

IT IS HEREBY ORDERED THAT:

1. The Objection is SUSTAINED as set forth herein.
2. Each Claim set forth in **Schedule 1** attached hereto is disallowed and expunged in its entirety.
3. This Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of, and all rights to object to or defend on any basis are expressly reserved with respect to any claims referenced or identified in the Objection that is not listed on **Schedule 1** attached hereto.
4. KServicing WD's right to object on any other grounds that KServicing WD discovers is preserved.
5. To the extent a response is filed regarding any claim, each such claim, and the Objection as it pertains to such claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each claim. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters listed in the Objection or this Order.

6. KServicing WD is authorized and empowered to execute and deliver such documents, and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

7. Nothing in this Order or the Objection is intended or shall be construed as a waiver of any of the rights KServicing WD may have to enforce rights of setoff against the claimants.

8. Nothing in the Objection or this Order, nor any actions or payments made by KServicing WD pursuant to this Order, shall be construed as: (a) an admission as to the amount of, basis for, or validity of any claim against KServicing WD under the Bankruptcy Code or other applicable non-bankruptcy law; (b) a waiver of the KServicing WD or any other party in interest's right to dispute any claim; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Order; (e) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of KServicing WD or the Debtors' estates; or (f) a waiver of any claims or causes of action which may exist against any entity under the Bankruptcy Code or any other applicable law.

9. This Order is immediately effective and enforceable, notwithstanding the possible applicability of Bankruptcy Rule 6004(h) or otherwise.

10. This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the Objection or the implementation of this Order.



Dated: November 1st, 2024
Wilmington, Delaware

CRAIG T. GOLDBLATT
UNITED STATES BANKRUPTCY JUDGE

Schedule 1

Name of Claimant	Claim Date Filed	Claim Number	Debtor	Claim Amount
M&B 2017 LLC	11/28/2022	C951-68	KServicing	\$3,768.00
Malak, Majed	11/28/2022	C951-113	KServicing	\$7,133.00
Malk, Ali	11/28/2022	C951-65	KServicing	\$7,722.00
Mastrandrea, Deborah A	11/15/2022	C951-30	KServicing	\$3,900.00
Matthew Morrison Eager Beaver Comm. Cleaning	12/3/2022	C951-204	KServicing	\$16,250.00
McCarthy, Karen	12/21/2022	C951-220	KServicing	Unliquidated
McKibbin, John	12/5/2022	C951-199	KServicing	\$5,000.00
McMillen, William	8/9/2023	C951-260	KServicing	\$10,524.00
Medo Trucking LLC	11/28/2022	C951-81	KServicing	\$3,514.00
Messenger, Jennifer	12/2/2022	C951-192	KServicing	\$3,582.00
Mid-Ohio Business Solutions LLC	11/30/2022	C951-156	KServicing	\$19,161.00
Moon Star Grocery Inc	12/7/2022	C951-202	KServicing	\$8,564.00
Murphy, Daniel Vincent	12/12/2022	C951-217	KServicing	\$20,833.00
Musawi, Mohammed AL	11/28/2022	C951-87	KServicing	\$4,662.00
MWA Transportation LLC	11/28/2022	C951-69	KServicing	\$6,389.00
Nagel, Christopher	1/12/2023	C951-228	KServicing	\$5,000.00
Natasheh, Walid	11/28/2022	C951-70	KServicing	\$4,449.00
Nella's Seafood Lounge & Co Inc	2/22/2023	C951-239	KServicing	\$20,833.00
New Wave Fitness, Inc	11/8/2022	C951-9	KServicing	\$13,954.81
Nguyen, Quyen	12/2/2022	C951-194	KServicing	\$3,349.27
Nunnally, Shonda	12/5/2022	C951-197	KServicing	Unliquidated
Oza, Rajesh	11/15/2022	C951-24	KServicing	\$2,800.00
Packard, Tiffany	11/22/2022	C951-54	KServicing	\$19,918.00
Panos, Helen	11/30/2022	C951-141	KServicing	\$78,796.00
Performance Fab	12/2/2022	C951-193	KServicing	\$153,452.00
Phillips, Latasha	11/29/2022	C951-99	KServicing	Unliquidated

Name of Claimant	Claim Date Filed	Claim Number	Debtor	Claim Amount
Philogene, Finbar	4/3/2023	C951-248	KServicing	Unliquidated
Pittman, Corinthus Omari	12/19/2022	C951-218	KServicing	\$20,833.00
Premier Building Inspections LLC	11/12/2022	C951-26	KServicing	\$14,000.00
Pselos, Christopher	11/8/2022	C951-10	KServicing	\$2,803.00
Rabniovich Sokolov Law Group LLC	10/28/2022	C951-2	KServicing	\$16,680.61
Rackley, Felicia	12/4/2022	C951-182	KServicing	\$20,800.00
Ranchwood, Inc	12/5/2022	C951-203	KServicing	\$8,000.00
Rands, Nanci J	11/30/2022	C951-147	KServicing	\$30,833.00
Red Cells LLC	11/28/2022	C951-107	KServicing	\$3,011.00
Redley, Randolph	11/30/2022	C951-136	KServicing	\$16,248.00
Riddle, Jurlean	12/5/2022	C951-200	KServicing	Unliquidated
Rischer, Michael	11/30/2022	C951-140	KServicing	\$12,541.00
Roach, Paula	12/5/2022	C951-208	KServicing	\$112,770.00
Roach, Paula	12/5/2022	C951-210	KServicing	\$112,770.00
Roach, Paula	12/7/2022	C951-214	KServicing	\$112,770.00
Roberts, Terri M	11/29/2022	C951-120	KServicing	\$20,586.00
Rocky Mountain Closet & Cabinet	3/13/2023	C951-243	KServicing	\$19,906.00
Royal Auto Wholsale	11/28/2022	C951-73	KServicing	\$5,124.00
S & A Medical Graphics, LLC	12/5/2022	C951-198	KServicing	\$88,036.00
S=3 Engineering, Inc.	1/4/2023	C951-225	KServicing	\$173,719.00
Salahuddin, Ayesha	1/30/2023	C951-232	KServicing	\$14,000.00
Sanders, Valeria	11/29/2022	C951-108	KServicing	\$17,378.00
Sava, Carlos	11/30/2022	C951-152	KServicing	\$27,337.46
Scullark, Marshun	11/28/2022	C951-186	KServicing	\$19,619.00
Shefsky, David	11/18/2022	C951-40	KServicing	\$5,321.00
Sloe, Kathryn J	11/30/2022	C951-165	KServicing	\$5,473.08

Name of Claimant	Claim Date Filed	Claim Number	Debtor	Claim Amount
Smith, Steve W	11/23/2022	C951-47	KServicing	\$20,721.00
SS Peter and Paul Orthodox Church EIN 06-6087116	12/3/2022	C951-195	KServicing	\$10,227.00
Stegall, Summer	2/6/2023	C951-234	KServicing	\$42,023.65
Stegall, Summer	11/24/2022	C951-49	KServicing	\$42,023.65
Stephan and Stephan, Inc	11/30/2022	C951-139	KServicing	\$96,618.00
Studio Forte Spa Salon	2/22/2023	C951-238	KServicing	\$20,833.00
SW Financial & Multi-Services LLC	2/18/2023	C951-237	KServicing	\$28,562.00
Tatum-Pitts, Nathia	12/6/2022	C951-206	KServicing	\$19,066.82
The Nakiyama Company	11/30/2022	C951-137	KServicing	\$10,550.00
Trainor, Wendy	11/28/2022	C951-63	KServicing	\$7,994.00
Tri-City Builders, Inc.	11/30/2022	C951-158	KServicing	\$333,940.74
United Sales USA Corp	12/6/2022	C951-211	KServicing	\$96,346.00
Vibration Institute	11/7/2022	C951-21	KServicing	\$77,533.35
Vickie A Ingram PC	6/23/2023	C951-253	KServicing	\$3,515.50
Vision Scape, LLC	11/30/2022	C951-170	KServicing	\$72,741.00
Williams, Quiyana	3/3/2023	C951-242	KServicing	Unliquidated
Williams, Stewart	12/8/2022	C951-213	KServicing	\$20,000.00
Woods, Keisha	11/29/2022	C951-90	KServicing	\$20,833.00
Yazin LLC	11/28/2022	C951-116	KServicing	\$4,063.00
Zetrize Inc	4/28/2023	C951-252	KServicing	\$500.00
Zimmerman, Richard Adam	11/28/2022	C951-51	KServicing	\$14,094.60
Zimmerman, Richard Adam	11/23/2022	C951-46	KServicing	\$6,000.00
Zion United Methodist Church	11/3/2022	C951-14	KServicing	\$9,642.64