

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

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| In re<br><br>KABBAGE, INC. d/b/a KSERVICING, <i>et al.</i> ,<br><br>Debtors. <sup>1</sup> | X<br>:<br>:<br>:<br>:<br>:<br>:<br>X | Chapter 11<br><br>Case No. 22-10951 (CTG)<br><br>(Jointly Administered) |
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**NOTICE OF AGENDA FOR VIDEO HEARING SCHEDULED  
FOR OCTOBER 26, 2022 AT 10:30 A.M. (PREVAILING EASTERN TIME),  
BEFORE THE HONORABLE CRAIG T. GOLDBLATT, AT THE UNITED  
STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE**

**AS NO MATTERS ARE SCHEDULED TO GO FORWARD, THE HEARING HAS  
BEEN CANCELLED WITH PERMISSION FROM THE COURT.**

**I. RESOLVED MATTERS:**

1. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing (A) Debtors to Continue Insurance Policies, and (B) Pay All Obligations with Respect Thereto, and (II) Granting Related Relief [[Docket No. 7](#) – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Interim Order (I) Authorizing Debtors to (A) Continue Insurance Policies, and (B) Pay all Obligations with Respect thereto, and (II) Granting Related Relief [[Docket No. 72](#) – entered October 6, 2022]
- ii. Notice of (A) Entry of Interim Order (I) Authorizing Debtors to (A) Continue Insurance Policies, and (B) Pay all Obligations with Respect Thereto, and (II) Granting Related Relief; and (B) Final Hearing Thereon [[Docket No. 81](#) – filed October 6, 2022]

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<sup>1</sup> 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.

- iii. Certificate of No Objection Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing (A) Debtors to Continue Insurance Policies, and (B) Pay All Obligations with Respect Thereto, and (II) Granting Related Relief [[Docket No. 125](#) – filed October 20, 2022]
- iv. Final Order (I) Authorizing Debtors to (A) Continue Insurance Policies, and (B) Pay All Obligations with Respect Thereto and (II) Granting Related Relief [[Docket No. 132](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered a final order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

- 2. Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Resolving Objections by Utility Providers, (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief [[Docket No. 8](#) – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Interim Order (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Resolving Objections by Utility Providers, (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief [[Docket No. 74](#) – entered October 6, 2022]
- ii. Notice of (A) Entry of Interim Order (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Resolving Objections by Utility Providers, (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief; and (B) Final Hearing Thereon [[Docket No. 82](#) – filed October 6, 2022]
- iii. Certificate of No Objection Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Resolving Objections by Utility Providers, (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief [[Docket No. 127](#) – filed October 20, 2022]
- iv. Final Order (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Resolving Objections by Utility Providers, (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, and (IV) Granting Related Relief [[Docket No. 134](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered a final order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

3. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors (A) to Pay Certain Prepetition Taxes and Assessments and (B) Granting Related Relief [[Docket No. 9](#) – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

- i. Interim Order (I) Authorizing Debtors (A) to Pay Certain Prepetition Taxes and Assessments and (B) Granting Related Relief [[Docket No. 70](#) – entered October 6, 2022]
- ii. Notice of (A) Entry of Interim Order (I) Authorizing Debtors (A) to Pay Certain Prepetition Taxes and Assessments and (B) Granting Related Relief; and (B) Final Hearing Thereon [[Docket No. 79](#) – filed October 6, 2022]
- iii. Certificate of No Objection Regarding Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors (A) to Pay Certain Prepetition Taxes and Assessments and (B) Granting Related Relief [[Docket No. 126](#) – filed October 20, 2022]
- iv. Final Order (I) Authorizing Debtors (A) To Pay Certain Prepetition Taxes and Assessments and (B) Granting Related Relief [[Docket No. 133](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered a final order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

4. Motion of Debtors for Interim and Final Orders Authorizing Debtors to (I) Continue Servicing and Subservicing Activities and (II) Perform Related Obligations [[Docket No. 11](#) – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

- A. Informal comments received from the Federal Reserve Bank of San Francisco

Related Documents:

- i. Interim Order Authorizing Debtors to (I) Continue Servicing and Subservicing Activities and (II) Perform Related Obligations [[Docket No. 88](#) – entered October 6, 2022]

- ii. Notice of (A) Entry of Interim Order Authorizing Debtors to (I) Continue Servicing and Subservicing Activities and (II) Perform Related Obligations; and (B) Final Hearing Thereon [[Docket No. 89](#) – filed October 6, 2022]
- iii. Certification of Counsel Regarding Final Order Authorizing Debtors to (I) Continue Servicing and Subservicing Activities and (II) Perform Related Obligations [[Docket No. 139](#) – filed October 21, 2022]
- iv. Final Order Authorizing Debtors to (I) Continue Servicing and Subservicing Activities and (II) Perform Related Obligations [[Docket No. 140](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered a final order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

5. Application of Debtors for Authority to Retain and Employ Weil, Gotshal & Manges LLP as Attorneys for Debtors Effective as of Petition Date [[Docket No. 15](#) – filed October 4, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

- A. Informal comments received from the Office of the United States Trustee (the “U.S. Trustee”)

Related Documents:

- i. Notice of Application and Hearing [[Docket No. 48](#) – filed October 5, 2022]
- ii. Certification of Counsel Regarding Order Authorizing Retention and Employment of Weil, Gotshal & Manges LLP as Attorneys for Debtors Effective as of Petition Date [[Docket No. 130](#) – filed October 20, 2022]
- iii. Order Authorizing Retention and Employment of Weil, Gotshal & Manges LLP as Attorneys for Debtors Effective as of Petition Date [[Docket No. 137](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

6. Application of Debtors for Entry of Order Authorizing Employment and Retention of AlixPartners, LLP as Financial Advisor to the Debtors Effective as of the Petition Date [[Docket No. 16](#) – filed October 4, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

- i. Notice of Application and Hearing [[Docket No. 49](#) – filed October 5, 2022]
- ii. Supplemental Declaration of Deborah Rieger-Paganis of AlixPartners, LLP [[Docket No. 124](#) – filed October 20, 2022]
- iii. Certification of Counsel Regarding Order Authorizing Debtors to Employ and Retain AlixPartners, LLP as Financial Advisor Effective as of the Petition Date [[Docket No. 128](#) – filed October 20, 2022]
- iv. Order Authorizing Debtors to Employ and Retain AlixPartners, LLP as Financial Advisor Effective as of the Petition Date [[Docket No. 135](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

7. Application of Debtors Pursuant to 11 U.S.C. § 327(a) and Fed. R. Bankr. P. 2014(a) and 2016 for Authority to Retain and Employ Omni Agent Solutions, Inc. as Administrative Agent Effective as of the Petition Date [[Docket No. 17](#) – filed October 4, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

- i. Notice of Application and Hearing [[Docket No. 50](#) – filed October 5, 2022]
- ii. Certification of Counsel Regarding Order Authorizing Debtors to Employ and Retain Omni Agent Solutions, Inc. as Administrative Agent Effective as of the Petition Date [[Docket No. 131](#) – filed October 20, 2022]
- iii. Order Authorizing Debtors to Employ and Retain Omni Agent Solutions, Inc. as Administrative Agent Effective as of the Petition Date [[Docket No. 138](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

8. Motion of Debtors for Entry of Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[Docket No. 95](#) – filed October 11, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET); extended by agreement to October 21, 2022 at 12:00 noon for the U.S. Trustee

Objections/Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- i. Certification of Counsel Regarding Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[Docket No. 129](#) – filed October 20, 2022]
- ii. Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [[Docket No. 136](#) – entered October 21, 2022]

Status: On October 21, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

## **II. CONTINUED MATTERS:**

9. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [[Docket No. 10](#) – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET); extended to October 31, 2022 at 4:00 p.m. (ET) for the relief sought in the Supplement (as defined below)

Objections/Responses Received:

- A. Informal comments received from the U.S. Trustee
- B. Informal comments received from Morgan Franklin LLC

Related Documents:

- i. Interim Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [[Docket No. 75](#) – entered October 6, 2022]

- ii. Notice of (A) Entry of Interim Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief; and (B) Final Hearing Thereon [[Docket No. 80](#) – filed October 6, 2022]
- iii. Supplement to the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [[Docket No. 141](#) – filed October 21, 2022] (the “**Supplement**”)

Status: The hearing with respect to this matter has been continued to November 7, 2022 at 1:00 p.m. (ET).

- 10. Application of Debtors to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of Petition Date [[Docket No. 46](#) – filed October 4, 2022]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET); extended by agreement to October 31, 2022 at 4:00 p.m. for the U.S. Trustee

Objections/Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- i. Notice of Application and Hearing [[Docket No. 51](#) – filed October 5, 2022]

Status: The hearing with respect to this matter has been continued to November 7, 2022 at 1:00 p.m. (ET).

### **III. MATTER TO BE SUBMITTED UNDER CERTIFICATION:**

- 11. Motion of Debtors for Entry of Order (I) Establishing a General Bar Date to File Proofs of Claim, (II) Establishing a Bar Date to File Proofs of Claim by Governmental Units, (III) Establishing an Amended Schedules Bar Date, (IV) Establishing a Rejection Damages Bar Date, (V) Approving the Form and Manner for Filing Proofs of Claim, (VI) Approving the Proposed Notice of Bar Dates, (VII) Approving Procedures with Respect to Service of the Proposed Notice of Bar Dates, and (VIII) Granting Related Relief [[Docket No. 96](#) – filed October 11]

Objection/Response Deadline: October 19, 2022 at 4:00 p.m. (ET); extended by agreement to October 21, 2022 at 12:00 noon for the U.S. Trustee

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents: None at this time.

Status: The Debtors intend to submit a revised proposed order under certification of counsel. Accordingly, a hearing with respect to this matter will only be necessary to the extent the Court has any questions or concerns.

Dated: October 24, 2022  
Wilmington, Delaware

/s/ Amanda R. Steele

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