

**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)
	:	
	X	Re: Docket No. 46

**SUPPLEMENTAL DECLARATION OF DANIEL J.
DEFRANCESCHI IN SUPPORT OF APPLICATION
OF DEBTORS TO RETAIN AND EMPLOY RICHARDS,
LAYTON & FINGER, P.A. AS CO-COUNSEL TO THE
DEBTORS EFFECTIVE AS OF PETITION DATE**

I, Daniel J. DeFranceschi, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct to the best of my knowledge, information and belief:

1. I am an attorney admitted to practice in the State of Delaware and before this Court, and a director of the firm of Richards, Layton & Finger, P.A. (“**RL&F**”). RL&F is a Delaware law firm with offices at One Rodney Square, 920 North King Street, Wilmington, Delaware 19801.

2. I submit this supplemental declaration in further support of the *Application of Debtors to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of the Petition Date* [Docket No. 46] (the “**Application**”)² to supplement the

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.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Application.

disclosures set forth in the DeFranceschi Declaration, which was attached to the Application as **Exhibit B** thereto (the “**Original Declaration**”), and in response to certain inquiries with respect to the Application and the Original Declaration from the U.S. Trustee. To the extent that any information disclosed herein requires amendment or modification upon RL&F’s completion of further analysis, or as additional information becomes available to it, a further supplemental affidavit or declaration will be submitted to the Court.

3. Paragraph 22 of the Original Declaration states that RL&F will not disclose any confidential information belonging to AmEx to the Debtors and vice versa. RL&F further states that it will not disclose any information (confidential or otherwise) belonging to AmEx to the Debtors or vice versa.

4. Additionally, paragraph 22 of the Original Declaration states that RL&F has established an internal ethical wall between this matter (*i.e.*, RL&F’s representation of the Debtors in the Chapter 11 Cases) (this “**Matter**”) and any matters in which RL&F has represented or currently represents AmEx and any affiliates thereof. For the avoidance of doubt, with respect to this ethical wall, only the members of the RL&F team working on this Matter have access to any non-public information related to this Matter and, conversely, the members of the RL&F team working on this Matter are unable to access any non-public information related to matters pertaining to AmEx or any affiliates thereof.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 27, 2022
Wilmington, Delaware

/s/ Daniel J. DeFranceschi
Daniel J. DeFranceschi (No. 2732)