

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

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| <b>In re</b>                                   | : | <b>Chapter 11</b>                         |
|                                                | : |                                           |
| <b>KABBAGE, INC. d/b/a KSERVICING, et al.,</b> | : | <b>Case No. 22-10951 (CTG)</b>            |
|                                                | : |                                           |
| <b>Debtors.<sup>1</sup></b>                    | : | <b>(Jointly Administered)</b>             |
|                                                | : |                                           |
|                                                | : | <b>Re: Docket Nos. 340, 356 &amp; 670</b> |

**DEBTORS' EXHIBIT LIST FOR MARCH 20, 2023 HEARING**

On December 7, 2022, Kabbage, Inc. d/b/a KServicing and its debtor affiliates, as debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed the *Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank* [Docket No. 340] (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware. On December 21, 2022, Customers Bank filed in response the *Opposition of Customers Bank to Debtors’ Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank* [Docket No. 356]. On March 13, 2023, the Debtors filed the *Debtors’ Reply in Further Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank* [Docket No. 670]. The hearing on the Motion is scheduled for March 20, 2023 at 10:00 a.m. (ET) (the “**Hearing**”).

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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.

The Debtors respectfully submit the attached *Exhibit List* to be considered at the Hearing. The Debtors reserve the right to introduce at the Hearing documents that are part of the record of the above-captioned chapter 11 cases, including pleadings and other documents filed on the docket, as well as to introduce any document, or to rebut the testimony of witnesses or evidence presented by any other party, or for impeachment.

| <b>EXHIBIT LIST</b>       |                                                                                                                                                                                                                                                                                  |
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| <b><u>Exhibit No.</u></b> | <b><u>Document Description</u></b>                                                                                                                                                                                                                                               |
| 1                         | Settlement and Release Agreement, dated October 27, 2022 (including all exhibits thereto) [Docket No. 232-1 – filed November 9, 2022]                                                                                                                                            |
| 2                         | Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 340 – filed December 7, 2022]                                                                                              |
| 3                         | Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b>                    |
| 4                         | Exhibit 1 to the Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341-1 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b> |
| 5                         | Exhibit 2 to the Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341-2 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b> |
| 6                         | Exhibit 3 to the Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341-3 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b> |
| 7                         | Exhibit 4 to the Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341-4 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b> |
| 8                         | Exhibit 5 to the Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341-5 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b> |
| 9                         | Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b>                        |
| 10                        | Exhibit 1 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-1 – filed December 7, 2022] <b>(FILED UNDER SEAL)</b>     |

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| 11 | Exhibit 2 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-2 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 12 | Exhibit 3 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-3 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 13 | Exhibit 4 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-4 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 14 | Exhibit 5 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-5 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 15 | Exhibit 6 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-6 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 16 | Exhibit 7 to the Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342-7 – filed December 7, 2022] (FILED UNDER SEAL)                                  |
| 17 | Opposition of Customers Bank to Debtors’ Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 356 – filed December 21, 2022]                                                                                     |
| 18 | Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtors’ Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 358 – filed December 21, 2022] (FILED UNDER SEAL)                        |
| 19 | Exhibits 1-10 to the Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtors’ Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 358-1 – filed December 21, 2022] (FILED UNDER SEAL) |
| 20 | Debtors’ Reply in Further Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 670 – filed March 13, 2023]                                                                                 |
| 21 | Declaration of Tamica M. Williams in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank                                                                         |

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|    | [Docket No. 671 – filed March 13, 2023], including Exhibits A-D                                                                                                                                                                                                                           |
| 22 | Exhibit A to the Declaration of Tamica M. Williams in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 671-1 – filed March 13, 2023] |
| 23 | Exhibit B to the Declaration of Tamica M. Williams in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 671-2 – filed March 13, 2023] |
| 24 | Exhibit C to the Declaration of Tamica M. Williams in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 671-3 – filed March 13, 2023] |
| 25 | Exhibit D to the Declaration of Tamica M. Williams in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 671-4 – filed March 13, 2023] |
| 26 | Declaration of Donna R. Evans in Further Support of Debtors’ Reply in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 672 – filed March 13, 2023]                        |
| 27 | Synovus account analysis_11.4.22 (excel spreadsheet)                                                                                                                                                                                                                                      |
| 28 | Customers Bank remittance file KService 10.03.22_11.4.22 (excel spreadsheet)                                                                                                                                                                                                              |
| 29 | CUBI payment details 10212020 (excel spreadsheet)                                                                                                                                                                                                                                         |
| 30 | Letter from Richard Slack to Jeremy Sternberg, dated January 30, 2023                                                                                                                                                                                                                     |
| 31 | Letter from Jeremy Sternberg to Richard Slack, dated February 3, 2023                                                                                                                                                                                                                     |
| 32 | Letter from Richard Slack to Jeremy Sternberg, dated March 3, 2023                                                                                                                                                                                                                        |
| 33 | Email from Ted Tsekerides to Jeremy Sternberg, dated February 16, 2023                                                                                                                                                                                                                    |
| 34 | Email chain between Ted Tsekerides and Jeremy Sternberg, dated February 17, 2023                                                                                                                                                                                                          |
| 35 | Email from Jeremy Sternberg to Ted Tsekerides, dated February 17, 2023                                                                                                                                                                                                                    |
| 36 | Email from Jeremy Sternberg to Ted Tsekerides, dated February 22, 2023                                                                                                                                                                                                                    |

Dated: March 16, 2023  
Wilmington, Delaware

*/s/ Matthew P. Milana*

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