

**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 No. 340 & 356

**CERTIFICATION OF COUNSEL REGARDING ORDER
ENFORCING THE SETTLEMENT ORDER AND THE SETTLEMENT
AGREEMENT BETWEEN KSERVICING AND CUSTOMERS BANK**

PLEASE TAKE NOTICE THAT on December 7, 2022, 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**”), 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 (the “**Court**”). A proposed form of order granting the relief requested in the Motion was attached to the Motion as Exhibit A (the “**Proposed Order**”).

PLEASE TAKE FURTHER NOTICE THAT on December 21, 2022, Customers Bank (“**CB**”) filed the *Opposition of Customers Bank to Debtors’ Motion for an Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank* [Docket No. 356].

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.

PLEASE TAKE FURTHER NOTICE THAT on March 20, 2023, the Court held an evidentiary hearing with respect to the relief requested in the Motion. On March 22, 2023, the Court issued its bench ruling granting the relief requested in the Motion (the “**Bench Ruling**”) and instructed the parties to agree on a proposed form of order. The Debtors have prepared a revised form of Proposed Order (the “**Revised Order**”), attached hereto as **Exhibit 1**, consistent with the Bench Ruling. The Revised Order has been circulated to CB, and CB does not object to the entry of the Revised Order. For the convenience of the Court and all parties in interest, a redline comparison of the Revised Order marked against the Proposed Order is attached hereto as **Exhibit 2**.

[Remainder of page intentionally left blank]

WHEREFORE the Debtors respectfully request that the Revised Order be entered at the earliest convenience of the Court.

Dated: March 27, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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