<u>EXHIBIT A</u>

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: **KABBAGE, INC. d/b/a KSERVICING**, *et al.*,[1] Debtors.	Chapter 11 Case No. 22-10951 (CTG) (Jointly Administered)

ORDER APPROVING STIPULATION
TO EXTEND THE UNITED STATES' DEADLINE
TO FILE A COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

Upon consideration of the *Stipulation to Extend the United States' Deadline to File a Complaint to Determine Dischargeability of Debt* (the "**Stipulation**")[2] by and between the above-captioned debtors (collectively, the "**Debtors**") and the United States of America (the "**United States**" and together with the Debtors, the "**Parties**"), through their respective counsel, a copy of which is attached hereto as **Exhibit 1** and related certification of counsel; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED:

1. The Stipulation is approved.

2. The deadline for the United States to file a complaint to determine dischargeability under 11 U.S.C. § 523(c) shall be extended from January 9, 2023, to May 9,

[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) (the "Company"); 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 herein but not otherwise defined herein shall have the meanings ascribed to them in the Stipulation.

2023, or such later date as may be ordered by the Court, without prejudice to the United States' right to seek further extension of the Nondischargeability Deadline, and without prejudice to the Debtors' rights, objections, or defenses related thereto.

3. The Parties are authorized to take any and all actions reasonably necessary to effectuate the terms of the Stipulation.

4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

5. Notwithstanding any Federal Rule of Bankruptcy Procedure or Local Rule of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

EXHIBIT 1

Stipulation

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: **KABBAGE, INC. d/b/a KSERVICING**, *et al.*,[1] Debtors.	Chapter 11 Case No. 22-10951 (CTG) (Jointly Administered)

STIPULATION TO EXTEND THE UNITED STATES' DEADLINE
TO FILE A COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

The above-captioned debtors (collectively, the "**Debtors**") and the United States of America (the "**United States**" and together with the Debtors, the "**Parties**") enter into this stipulation (this "**Stipulation**") to extend the deadline to file a complaint to determine dischargeability of debt under 11 U.S.C. § 523. The Parties stipulate as follows:

A. On October 3, 2022 (the "**Petition Date**"), the Debtors filed their voluntary petitions for relief under chapter 11 of title 11 of the United State Code (the "**Bankruptcy Code**").

B. On November 10, 2022, the meeting of creditors pursuant to 11 U.S.C. § 341 was scheduled and conducted (the "**341 Meeting**").

C. Pursuant to Rule 4007(c) of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), a party in interest may file a complaint under 11 U.S.C. § 523(c) within sixty days after the first date set for the 341 Meeting.

[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) (the "Company"); 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). The Debtors' mailing and service address is 925B Peachtree Street NE, Suite 383, Atlanta, GA 30309.

D. Accordingly, the deadline by which to file a complaint under 11 U.S.C. § 523(c) is January 9, 2023 (the "**Nondischargeability Deadline**"), or such later date as may be ordered by the Court. The Nondischargeability Deadline has not expired as of the date of this Stipulation.

E. The United States continues to investigate potential violations of the False Claims Act, 31 U.S.C. §§ 3279-3733, by Kabbage, Inc. d/b/a KServicing, a lender and loan servicer that participated in the Paycheck Protection Program.

F. To the extent that the filing of a dischargeability complaint may be necessary, the United States seeks an extension of the Nondischargeability Deadline through and including May 9, 2023.

G. Nothing in this Stipulation, or any order approving it, constitutes a determination that section 523(c) of the Bankruptcy Code or Bankruptcy Rule 4007(c) apply, or that any deadline exists to seek a determination of dischargeability under section 1141(d)(6) of the Bankruptcy Code.

NOW, THEREFORE, the Parties hereby agree as follows:

1. The Parties agree that the Nondischargeability Deadline for the United States to file a complaint to determine the dischargeability of debt under 11 U.S.C. § 523(c) is extended through and including May 9, 2023, or such later date as may be ordered by the Court.

2. The extension of the Nondischargeability Deadline is without prejudice to the United States' rights to seek additional extensions or the Debtors' rights, objections, or defenses related thereto.

3. This Stipulation may be executed in counterparts, each of which shall be deemed an original and such counterparts shall together constitute a single agreement. Any signature,

including an electronic signature, transmitted by facsimile or electronic mail shall be deemed an original signature to this Stipulation.

/s/ Zachary I. Shapiro
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Dated: January 6, 2023

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