

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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In re	:	Chapter 11
	:	
KABBAGE, INC. d/b/a KSERVICING, <i>et al.</i> ,	:	Case No. 22-10951 (CTG)
	:	
	:	
Debtors. ¹	:	(Jointly Administered)
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**AMENDED² NOTICE OF AGENDA FOR HEARING SCHEDULED
FOR MARCH 20, 2023 AT 10:00 A.M. (PREVAILING EASTERN TIME),
BEFORE THE HONORABLE CRAIG T. GOLDBLATT, AT THE UNITED
STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE**

**THE HEARING WILL BE HELD IN-PERSON IN JUDGE GOLDBLATT'S
COURTROOM. ALL PARTIES, INCLUDING WITNESSES, ARE EXPECTED TO
ATTEND IN PERSON UNLESS PERMITTED TO APPEAR VIA ZOOM.**

**APPEARANCES AT IN-PERSON COURT PROCEEDINGS USING ZOOM ARE
ALLOWED ONLY IN THE FOLLOWING CIRCUMSTANCES: (I) A PARTY WHO
FILES A RESPONSIVE PLEADING INTENDS TO MAKE ONLY A LIMITED
ARGUMENT; (II) A PARTY WHO HAS NOT SUBMITTED A PLEADING BUT IS
INTERESTED IN OBSERVING THE HEARING; (III) A PARTY WHO HAS A GOOD
FAITH HEALTH-RELATED REASON AND HAS OBTAINED PERMISSION FROM
JUDGE GOLDBLATT'S CHAMBERS TO APPEAR REMOTELY, OR (IV) OTHER
EXTENUATING CIRCUMSTANCES AS DETERMINED BY JUDGE GOLDBLATT.**

**IF YOU INTEND TO APPEAR VIA ZOOM, YOU ARE
REQUIRED TO REGISTER IN ADVANCE.**

PLEASE USE THE FOLLOWING ZOOM REGISTRATION LINK:

<https://debuscourts.zoomgov.com/meeting/register/vJItcOiorDwoGVEhDugyvLAoqclrJCdOcN0>

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 Amended items appear in bold.

I. RESOLVED MATTER:

1. Motion of Debtors Pursuant to Federal Rule of Bankruptcy Procedure 2004 for Production of Documents from Financial Technology Partners LP and FTP Securities LLC [[Docket No. 576](#) – filed February 24, 2023]

Objection/Response Deadline: March 3, 2023 at 4:00 p.m. (ET); extended by agreement to March 7, 2023 at 4:00 p.m. (ET) for Financial Technology Partners LP and FTP Securities LLC (collectively, “FT Partners”)

Objections/Responses Received:

A. Informal comments received from FT Partners

Related Documents:

- i. Declaration of Theodore E. Tsekerides in Support of Motion of Debtors Pursuant to Federal Rule of Bankruptcy Procedure 2004 for Production of Documents from Financial Technology Partners LP and FTP Securities LLC [[Docket No. 577](#) – filed February 24, 2023]
- ii. Certification of Counsel Regarding Order Granting Motion of Debtors Pursuant to Federal Rule of Bankruptcy Procedure 2004 for Production of Documents from Financial Technology Partners LP and FTP Securities LLC [[Docket No. 647](#) – filed March 10, 2023]
- iii. Order Granting Motion of Debtors Pursuant to Federal Rule of Bankruptcy Procedure 2004 for Production of Documents from Financial Technology Partners LP and FTP Securities LLC [[Docket No. 658](#) – entered March 13, 2023]

Status: On March 13, 2023, the Court entered an order resolving this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

II. UNCONTESTED MATTER:

2. Motion for an Order Pursuant to Bankruptcy Rule 2004 Directing Production of Documents and Materials and Appearance for Oral Examination [[Docket No. 608](#) – filed March 6, 2023]

Objection/Response Deadline: March 13, 2023 at 4:00 p.m. (ET)

Objections/Responses Received: None at this time.

Related Documents: None at this time.

Status: As set forth on the record at the hearing on March 13, 2023, the Debtors and Customers Bank have resolved this matter and intend to submit a form of order reflecting such resolution at or prior to the hearing.

III. MATTER GOING FORWARD:

3. 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]

Objection/Response Deadline: December 21, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

- A. 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]
 - i. [Sealed] 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]

Related Documents:

- i. Order (I) Authorizing and Approving Settlement Agreement Between KServicing and Customers Bank and (II) Granting Related Relief [[Docket No. 232](#) – entered November 9, 2022]
- ii. [Sealed] 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]
- iii. [Sealed] 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]
- iv. Notice of Adjourned Hearing to Consider Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [[Docket No. 401](#) – filed January 3, 2023]
- v. Notice of Hearing [[Docket No. 585](#) – filed February 27, 2023]

- vi. 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]
- vii. 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 Customer Bank [[Docket No. 671](#) – filed March 13, 2023]
- viii. 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 Customer Bank [[Docket No. 672](#) – filed March 13, 2023]

Witness Information:

- i. Debtors' Witness List for March 20, 2023 Hearing [[Docket No. 687](#) – filed March 16, 2023]
- ii. **Witness List of Customers Bank for March 20, 2023 Hearing at 10:00 a.m.** [[Docket No. 690](#) – filed March 16, 2023]

Exhibit Information:

- i. Debtors' Exhibit List for March 20, 2023 Hearing [[Docket No. 688](#) – filed March 16, 2023]
- ii. **Exhibit List of Customers Bank for March 20, 2023 Hearing at 10:00 a.m.** [[Docket No. 692](#) – filed March 16, 2023]

Status: The hearing on this matter will go forward.

IV. INTERIM FEE APPLICATIONS:

4. Interim Fee Applications

Objections/Responses Received: (See Exhibit A)

Related Documents: (See Exhibit A)

- i. Certification of Counsel Regarding First Omnibus Order Awarding Interim Allowance of Compensation for Services Rendered and for Reimbursement of Expenses [[Docket No. 675](#) – filed March 15, 2023]

Status: On March 15, 2023, the Debtors filed a proposed omnibus order approving the Interim Fee Applications listed on Exhibit A hereto under certification of counsel. Accordingly, a hearing with respect to the Interim Fee Applications is only necessary to the extent the Court has any questions.

Dated: March 16, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

RICHARDS, LAYTON & FINGER, P.A.

Daniel J. DeFranceschi, Esq. (No. 2732)

Amanda R. Steele, Esq. (No. 5530)

Zachary I. Shapiro, Esq. (No. 5103)

Matthew P. Milana, Esq. (No. 6681)

One Rodney Square

920 North King Street

Wilmington, Delaware 19801

Telephone: (302) 651-7700

E-mail: defranceschi@rlf.com

steele@rlf.com

shapiro@rlf.com

milana@rlf.com

-and-

WEIL, GOTSHAL & MANGES LLP

Ray C. Schrock, Esq. (admitted *pro hac vice*)

Candace M. Arthur, Esq. (admitted *pro hac vice*)

Natasha S. Hwangpo, Esq. (admitted *pro hac vice*)

Chase A. Bentley, Esq. (admitted *pro hac vice*)

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

E-mail: ray.schrock@weil.com

candace.arthur@weil.com

natasha.hwangpo@weil.com

chase.bentley@weil.com

*Attorneys for Debtors
and Debtors in Possession*