

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

KABBAGE, INC. d/b/a KSERVICING, et al.,

Debtors.¹

Chapter 11
Case No. 22-10951 (CTG)
(Jointly Administered)

Hearing Date:
March 29, 2023, at 2:00 p.m. ET

Objection Deadline:
March 15, 2023, at 4:00 p.m. ET

Re: Dkt. Nos. 622, 624, 648, 652

THIRD AMENDED NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that on March 8, 2023, Cross River Bank and Customers Bank (together, “Movants”), filed the *Joint Motion of Cross River Bank and Customers Bank for an Order, Pursuant to Section 105(a) of the Bankruptcy Code, Bankruptcy Rule 2004, and Local Bankruptcy Rule 2004-1, Authorizing and Directing the Examination of American Express Kabbage Inc.* (the “Motion”) (Dkt. No. 622) with the United States Bankruptcy Court for the District of Delaware (the “Court”).

[Continued next page]

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) (collectively, the “Debtors”).

PLEASE TAKE FURTHER NOTICE that the hearing concerning the Motion has been rescheduled to **March 29, 2023 at 2:00 p.m. (prevailing Eastern Time)**. The hearing will be held before The Honorable Craig T. Goldblatt at the Court, 824 North Market Street, 3rd Floor, Courtroom 7, Wilmington, Delaware 19801.

Dated: March 20, 2023
Wilmington, Delaware

Respectfully submitted,

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

/s/ Gregory W. Werkheiser
Gregory W. Werkheiser (No. 3553)
1313 N. Market Street, Suite 1201
Wilmington, Delaware 19801
Telephone: (302) 442-7010
Facsimile: (302) 442-7012
gwerkheiser@beneschlaw.com

-and-

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

Susheel Kirpalani (admitted *pro hac vice*)
Isaac Nesser (admitted *pro hac vice*)
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
susheelkirpalani@quinnemanuel.com
isaacnesser@quinnemanuel.com

Erika Morabito (admitted *pro hac vice*)
1300 I Street NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 538-8000
erikamorabito@quinnemanuel.com

Matthew R. Scheck (admitted *pro hac vice*)
300 West 6th Street, Suite 2010
Austin, TX 78701
Telephone: (737) 667-6100
matthewscheck@quinnemanuel.com

Counsel to Cross River Bank

Sullivan Hazeltine Allinson LLP

/s/ William A. Hazeltine

William D. Sullivan (No. 2820)
William A. Hazeltine (No. 3294)
919 N. Market Street, Suite 420
Wilmington, Delaware 19801
Telephone: (302) 428-8191
Facsimile: (302) 428-8195
whazeltine@sha-llc.com

-and-

HOLLAND & KNIGHT LLP

John J. Monaghan (admitted *pro hac vice*)
Jeremy M. Sternberg (admitted *pro hac vice*)
Lynne B. Xerras
10 St. James Avenue
Boston, MA 02116
Telephone: 617-523-2700
Facsimile: 617-523-685
john.monaghan@hklaw.com
jeremy.sternberg@hkaw.com
lynne.xerras@hklaw.com

Counsel to Customers Bank

CERTIFICATE OF SERVICE

I, Gregory W. Werkheiser, hereby certify that on March 20, 2023, the foregoing *Third Amended Notice of Motion and Hearing* was served via CM/ECF on all parties registered to receive notices in this case and on the parties listed below via email:

Rosa Sierra-Fox
Office of the United States Trustee
U. S. Department of Justice
844 King Street, Suite 2207
Lockbox #35
Wilmington, DE 19801
rosa.sierra@usdoj.gov

William A. Hazeltine, Esq.
SULLIVAN HAZELTINE ALLINSON LLC
919 North Market Street
Suite 420
Wilmington, DE 19801
whazeltine@sha-llc.com

Ray C. Schrock, Esq.
Candace Arthur, Esq.
Natasha S. Hwangpo, Esq.
Chase Bentley, Esq.
WEIL, GOTSHAL & MANGES, LLP
767 Fifth Avenue
New York, NY 10153-0119
ray.schrock@weil.com
candace.arthur@weil.com
natasha.hwangpo@weil.com
chase.bentley@weil.com

Amanda R. Steele, Esq.
Zachary I. Shapiro, Esq.
Matthew P. Milana, Esq.
Daniel J. DeFranceschi, Esq.
RICHARDS, LAYTON AND FINGER
920 N. King Street
Wilmington, DE 19801
steele@rlf.com
Shapiro@rlf.com
milana@rlf.com
defranceschi@rlf.com

John J. Monaghan, Esq.
Jeremy M. Sternberg, Esq.
Lynne B. Xerras
HOLLAND & KNIGHT LLP
10 St. James Avenue, 11th Floor
Boston, MA 02116
john.monaghan@hkklaw.com
jeremy.sternberg@hkklaw.com
lynn.xerras@hkklaw.com

Derek C. Abbott, Esq.
Jonathan M. Weyand, Esq.
MORRIS, NICHOLS, ARSHT & TUNNELL
LLP
1201 North Market Street
16th Floor
Wilmington, DE 19801
dabbott@morrisnichols.com
jweyand@morrisnichols.com

James L. Bromley, Esq.
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004-2498
bromleyj@sullcrom.com

Amanda Flug Davidoff, Esq.
SULLIVAN & CROMWELL LLP
1700 New York Avenue, N.W. Suite 700
Washington, DC 20006-5215
davidoffa@sullcrom.com

/s/ Gregory W. Werkheiser
Gregory W. Werkheiser (No. 3553)