

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA
ex rel. PAUL PIETSCHNER,

Plaintiff,

V.

Civil Action No.: 4:21-cv-110-SDJ

KABBAGE, INC.; KATHRYN PETRALIA;
ROBERT FROHWEIN and SPENCER
ROBINSON,

FILED UNDER SEAL

(Pursuant to 31 U.S.C. § 3730(b))

Defendants.

§

ORDER

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 370(b)(1), the United States and Relator Paul Pietschner (“Relator”) filed a Joint Stipulation of Partial Dismissal of Relator’s Complaint against Defendant Kabbage, Inc. only. Upon consideration of the Joint Stipulation of Dismissal as to Defendant Kabbage, Inc. only, and the papers on file in this action,

IT IS HEREBY ORDERED that:

1. Consistent with the terms of the May 7, 2024, Settlement Agreement executed by the United States, Relator, and KServicing Wind Down Corporation and the bankruptcy estates of Defendant Kabbage, Inc. d/b/a KServicing (“Kabbage, Inc.”), all claims asserted on behalf of the United States against Defendant Kabbage, Inc. concerning the Covered Conduct as defined in Recital Paragraph L of the Settlement Agreement are dismissed with prejudice.

2. Any remaining claims asserted by Relator on behalf of the United States in this action against Defendant Kabbage, Inc. that are not part of the Covered Conduct are dismissed without prejudice to the United States.

3. Relator's claims asserted against Defendant Kabbage, Inc. in this action are dismissed with prejudice to Relator.

4. The Joint Stipulation of Dismissal and this Order shall be unsealed, so that the United States may disclose these documents to Kabbage, Inc. and counsel for Kabbage, Inc. only. All other filings prior to the date of this Order in this matter shall remain under seal, except as otherwise ordered by the Court, and not made public.