IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re	Chapter 11
KABBAGE, INC. d/b/a KSERVICING, et al.,	Case No. 22-10951 (CTG)
Debtors.[1]	(Jointly Administered)
	Re: Dkt. No. 172

CROSS RIVER BANK'S WITNESS AND EXHIBIT LIST FOR NOVEMBER 7, 2022, AT 1:00 P.M. (EASTERN TIME) HEARING CONCERNING DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING AND APPROVING THE SETTLEMENT AGREEMENT BETWEEN KSERVICING AND CUSTOMERS BANK AND (II) GRANTING RELATED RELIEF [ECF 172]

Cross River Bank ("Cross River") hereby discloses that it intends to introduce and/or reserve the right to call the following witnesses, and intends to and/or reserves the right to introduce the following exhibits at the hearing scheduled for November 7, 2022, at 1:00 p.m. (Eastern Time) (the "Hearing") concerning the *Debtors' Motion for Entry of an Order (I) Authorizing and Approving the Settlement Agreement between KServicing and Customers Bank and (II) Granting Related Relief* [ECF 172], and any objections thereto, including the objection being contemporaneously filed by Cross River.

WITNESSES

1. Cross River does not presently intend to offer testimony from any witness, but reserves the right to do so. Cross River reserves the rights to cross-examine any witness identified by any other party and to call any other party's witness as a rebuttal witness.

[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").

EXHIBITS

2. Cross River reserves the right to submit any rebuttal exhibit or exhibit identified by any other party at the Hearing.

RESERVATION OF RIGHTS

3. In light of the shortened notice of Debtors' motion, among other things, Cross River reserves the right to amend, supplement and modify these designations in all respects, including without limitation by using additional witnesses or exhibits, as necessary. Cross River reserves the right to call rebuttal witnesses to any fact witnesses disclosed or called by any party at the Hearing. Cross River reserves the right to call any witnesses identified by any party at the Hearing. Cross River reserves the right to add additional witnesses upon notice to the Court and the other parties at the Hearing. Cross River reserves the right to add additional exhibits upon notice to the Court and other parties at the Hearing. Cross River reserves the right to introduce into evidence (i) any exhibit listed by any other party, (ii) any documents for the purposes of rebuttal or impeachment, or (iii) any pleadings or other court filings.

Dated: November 4, 2022
Wilmington, Delaware

Respectfully submitted,

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

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