UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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

***AMENDED*[2] NOTICE OF AGENDA FOR HEARING SCHEDULED FOR NOVEMBER 7, 2022 AT 1:00 P.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/vJItd-yurDIsHa_zQ1lBfH5kzNY2yjUsfFo

[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 MATTERS:

1. Motion of Debtors for Entry of Interim and Final Orders Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Interests in the Debtors [Docket No. 6 – filed October 3, 2022]

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

i. Interim Order Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Interests in the Debtors [Docket No. 71 – entered October 6, 2022]

ii. Notice of (A) Entry of Interim Order Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Interests in the Debtors; and (B) Final Hearing Thereon [Docket No. 83 – filed October 6, 2022]

iii. Certificate of No Objection Regarding Motion of Debtors for Entry of Interim and Final Orders Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Interests in the Debtors [Docket No. 187 – filed November 1, 2022]

iv. Final Order Establishing Notification Procedures and Approving Restrictions on Certain Transfers of Interests in the Debtors [Docket No. 193 – entered November 2, 2022]

Status: On November 2, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

2. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [Docket No. 10 – filed October 3, 2022]

Objection/Response Deadline: October 19, 2022, at 4:00 p.m. (ET); extended to October 31, 2022, at 4:00 p.m. (ET) for the relief sought in the Supplement (as defined below)

Objections/Responses Received:

A. Informal comments received from the Office of the United States Trustee (the "U.S. Trustee")

B. Informal comments received from Morgan Franklin LLC

Related Documents:

i. Interim Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [Docket No. 75 – entered October 6, 2022]

ii. Notice of (A) Entry of Interim Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief; and (B) Final Hearing Thereon [Docket No. 80 – filed October 6, 2022]

iii. Supplement to the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [Docket No. 141 – filed October 21, 2022] (the "Supplement")

iv. Certification of Counsel Regarding Revised Proposed Final Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [Docket No. 190 – Filed November 1, 2022]

v. Final Order (I) Authorizing Debtors to (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation and (B) Maintain Employee Benefit Programs and Pay Related Obligations and (II) Granting Related Relief [Docket No. 194 – entered November 2, 2022]

Status: On November 2, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

3. Application of Debtors to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of Petition Date [Docket No. 46 – filed October 4, 2022]

Objection/Response Deadline: October 19, 2022, at 4:00 p.m. (ET); extended by agreement to October 31, 2022 at 4:00 p.m. for the U.S. Trustee

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

i. Notice of Application and Hearing [Docket No. 51 – filed October 5, 2022]

ii. Supplemental Declaration of Daniel J. DeFranceschi in Support of Application of Debtors to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of Petition Date [Docket No. 170 – filed October 27, 2022]

iii. Certification of Counsel Regarding Revised Proposed Order Authorizing Retention and Employment of Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of Petition Date [Docket No. 171 – filed October 27, 2022]

iv. Order Authorizing Retention and Employment of Richards, Layton & Finger, P.A. as Co-Counsel to the Debtors Effective as of Petition Date [Docket No. 175 – entered October 28, 2022]

Status: On October 28, 2022, the Court entered an order resolving this matter. According, a hearing with respect to this matter is no longer necessary.

4. Application of Debtors for Authority to Employ and Retain Greenberg Traurig, LLP as Special Counsel to the Board of Directors of Kabbage, Inc. d/b/a KServicing Effective as of the Petition Date [Docket No. 107 – filed October 14, 2022]

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

i. Supplemental Declaration of David B. Kurzweil of Greenberg Traurig, LLP [Docket No. 177 – filed November 1, 2022]

ii. Certification of Counsel Regarding Revised Proposed Order Authorizing Debtors to Employ and Retain Greenberg Traurig, LLP as Special Counsel to the Board of Directors of Kabbage, Inc. d/b/a KServicing Effective as of the Petition Date [Docket No. 192 – filed November 1, 2022]

iii. Order Authorizing Debtors to Employ and Retain Greenberg Traurig, LLP as Special Counsel to the Board of Directors of Kabbage, Inc. d/b/a KServicing Effective as of the Petition Date [Docket No. 197 – entered November 2, 2022]

Status: On November 2, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

5. Application of Debtors for Authority to Employ and Retain Jones Day as Special Counsel to the Debtors Effective as of the Petition Date [Docket No. 108 – filed October 14, 2022]

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

i. Supplemental Declaration of Andrew E. Lelling in Support of Debtors' Application to Employ and Retain Jones Day as Special Counsel to the Debtors Effective as of the Petition Date [Docket No. 162 – filed October 26, 2022]

ii. Certification of Counsel Regarding Revised Proposed Order Authorizing Debtors to Employ and Retain Jones Day as Special Counsel to the Debtors Effective as of the Petition Date [Docket No. 189 – filed November 1, 2022]

iii. Order Authorizing Debtors to Employ and Retain Jones Day as Special Counsel to the Debtors Effective as of the Petition Date [Docket No. 198 – entered November 2, 2022]

Status: On November 2, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

6. Motion of Debtors for Authority to Employ Professionals Used in Ordinary Course of Business [Docket No. 110 – filed October 17, 2022]

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

i. Certification of Counsel Regarding Order Authorizing Debtors to Employ Professionals Used in Ordinary Course of Business [Docket No. 188 – filed November 1, 2022]

ii. Order Authorizing Debtors to Employ Professionals Used in Ordinary Course of Business [Docket No. 196 – entered November 2, 2022]

Status: On November 2, 2022, the Court entered an order with respect to this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

II. CONTINUED MATTER:

7. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management in the Ordinary Course of Business; and (II) Granting Related Relief [Docket No. 12 – filed October 3, 2022]

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET)

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

Related Documents:

i. Emergency Bridge Order Authorizing Debtors' Postpetition Use of Cash Management System on an Interim Basis Pending a Further Hearing [Docket No. 43 – entered October 4, 2022]

ii. Interim Order (I) Authorizing (A) Debtors to Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management in the Ordinary Course of Business; and (II) Granting Related Relief [Docket No. 78 – entered October 6, 2022]

iii. Notice of (A) Entry of Interim Order (I) Authorizing (A) Debtors to Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management in the Ordinary Course of Business; and (II) Granting Related Relief; and (B) Final Hearing Thereon [Docket No. 84 – filed October 26, 2022]

iv. Certification of Counsel Regarding Second Interim Order (I) Authorizing (A) Debtors to Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management in the Ordinary Course of Business; and (II) Granting Related Relief [Docket No. 191 – filed November 1, 2022]

v. Second Interim Order (I) Authorizing (A) Debtors to Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management in the Ordinary Course of Business; and (II) Granting Related Relief [Docket No. 195 – entered November 2, 2022]

Status: The hearing with respect to this matter has been continued to November 21, 2022 at 1:00 p.m. (ET).

III. MATTERS GOING FORWARD:

8. Motion of Debtors for Entry of Order (I) Authorizing Debtors' Limited Use of Cash Collateral, (II) Granting Adequate Protection to Secured Lender, (III) Modifying Automatic Stay, and (IV) Granting Related Relief [Docket No. 143 – filed October 24, 2022] (the "Cash Collateral Motion")

Objection/Response Deadline: October 31, 2022, at 4:00 p.m. (ET); extended by agreement to November 4, 2022, at 4:00 p.m. (ET) for Synovus Financial Corp. ("Synovus")

Objections/Responses Received:

A. Informal comments received from the U.S. Trustee

B. Informal comments received from Cross River Bank ("CRB")

C. Informal comments received from Synovus

D. Informal comments received from the Small Business Association (the "SBA")

Related Documents:

i. Notice of Filing Revised Proposed Order Under 11 U.S.C. §§ 105, 361, 362, and 363, and Bankruptcy Rules 2002, 4001, 6004, and 9014 (I) Authorizing Debtors to Use Cash Collateral and (II) Granting Adequate Protection to Secured Lender [Docket No. 208 – filed November 4, 2022]

Witness Information:

i. The Debtors may offer the Declaration of Deborah Rieger-Paganis, which was filed as Exhibit B to the Cash Collateral Motion.

Status: **The Debtors have resolved all informal comments to the relief requested in the motion and filed a revised proposed form of order reflecting such resolutions. The hearing with respect to this matter will go forward on an uncontested basis.**

9. Debtors' Motion for Entry of an Order (I) Authorizing and Approving Settlement Agreement Between Debtors and Customers Bank and (II) Granting Related Relief [Docket No. 172 – filed October 28, 2022]

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

Objections/Responses Received:

A. Cross River Bank's Objection to Debtors' Motion for Entry of an Order (I) Authorizing and Approving the Settlement Agreement Between KServicing and Customers Bank and (II) Granting Related Relief [Docket No. 206 – filed November 4, 2022]

Related Documents:

i. Order Shortening Notice and Objection Periods for Debtors' Motion for Entry of an Order (I) Authorizing and Approving Settlement Agreement Between Debtors and Customers Bank and (II) Granting Related Relief [Docket No. 174 – entered October 28, 2022]

Witness Information:

i. Debtors' Witness List for November 7, 2022 Hearing [Docket No. 204 – filed November 4, 2022]

ii. 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 [Docket No. 207 – filed November 4, 2022]

Exhibit Information:

i. The Debtors will provide an exhibit list to the Court and other parties in interest prior to the hearing.

Status: The hearing with respect to this matter will go forward. **The Debtors intend to file a declaration in support of the motion and a reply to the objection of CRB in advance of the hearing.**

Dated: November 4, 2022
Wilmington, Delaware

/s/ Amanda R. Steele

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