

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

In re:	)	Chapter 11
	)	
KABBAGE, INC. d/b/a KSERVICING, <i>et al.</i> , ¹	)	Case No. 22-10951 (CTG)
	)	
Debtors.	)	(Jointly Administered)
	)	
	)	Related Docket No. 338

**CERTIFICATION OF COUNSEL REGARDING MOTION OF CUSTOMERS BANK
FOR AUTHORIZATION TO FILE UNDER SEAL EXHIBITS A AND C TO THE
DECLARATION OF ALYSSA WHITE IN SUPPORT OF THE MOTION OF
CUSTOMERS BANK FOR ENTRY OF AN ORDER (I) COMPELLING COMPLIANCE
WITH COURT APPROVED SETTLEMENT AGREEMENT AND ORDER; (II)
REQUIRING ADDITIONAL ADEQUATE PROTECTION IN FAVOR OF CUSTOMERS
BANK; AND (III) GRANTING RELATED RELIEF**

Undersigned counsel for Customers Bank (the “Movant”) in the above-captioned cases hereby certifies as follows:

1. On December 7, 2022, the Movant filed its *Motion of Customers Bank for Authorization to File Under Seal Exhibits A and C of the Declaration of Alyssa White in Support of the Motion of Customers Bank for Entry of an Order (I) Compelling Compliance With Court Approved Settlement Agreement and Order; (II) Requiring Additional Adequate Protection In Favor of Customers Bank; and (III) Granting Related Relief* [DI 338] (the “Motion to Seal”). Pursuant to the Notice of Motion, the deadline to object or respond to the Motion to Seal was December 21, 2022. The objection deadline was extended to December 28, 2022 for the Office of the U.S. Trustee (the “U.S. Trustee”).

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. The Movant also filed its *Notice of Filing Redacted Version of Exhibits A and C* to the White Declaration [DI 339] on December 7, 2022. The entirety of both Exhibit A and Exhibit C were redacted.

3. No written objections or responses to the Application have been filed with the Court or received by the Movant. The U.S. Trustee requested that Movant file redacted versions of Exhibits A and C rather than filing the entire exhibits under seal. The Movant filed its *Re-Notice of Filing Redacted Version of Exhibits A and C* to the White Declaration [DI 339] on December 28, 2022. Prior to filing, Movant's counsel circulated the revised redacted versions of Exhibits A and C to the U.S. Trustee. The undersigned certifies that revised redacted versions of Exhibits A and C and the proposed order attached hereto as **Exhibit A** (the "Proposed Order") resolve the concerns raised by the U.S. Trustee. The U.S. Trustee does not oppose the entry of the Proposed Order.

4. A blacklined version of the Proposed Order showing changes from the Order filed with the Motion to Seal is attached hereto as **Exhibit B**.

WHEREFORE, the Movant respectfully requests that this Honorable Court enter the Proposed Order attached hereto as Exhibit A.

Date: December 28, 2022
Wilmington, Delaware

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