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)**

SECOND AMENDED[2] NOTICE OF AGENDA FOR HEARING SCHEDULED FOR JANUARY 6, 2023 AT 10:00 A.M. (PREVAILING EASTERN TIME), BEFORE THE HONORABLE CRAIG T. GOLDBLATT, AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

AS NO MATTERS ARE SCHEDULED TO GO FORWARD, THE HEARING HAS BEEN CANCELLED WITH PERMISSION FROM THE COURT.

I. RESOLVED MATTERS:

1. 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 [Docket No. 338 – filed December 7, 2022]

   Objection/Response Deadline: December 21, 2022 at 4:00 p.m. (ET); extended by agreement to December 28, 2022 for the Office of the United States Trustee (the "U.S. Trustee")

   Objections/Responses Received:

   A. Informal comments received from 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] **Amended items appear in bold.**

Related Documents:

i. 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 [Docket No. 383 – filed December 28, 2022]

ii. Order Approving Motion of Customers Bank for Authorization to 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 [Docket No. 387 – entered December 29, 2022]

Status: On December 29, 2022, the Court entered an order resolving this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

2. Debtors' Motion for Entry of an Order Authorizing the Debtors to File Under Seal Certain Exhibits to the Declarations in Support of Motion to Enforce [Docket No. 351 – filed December 9, 2022]

Objection/Response Deadline: December 23, 2022 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

i. Certificate of No Objection Regarding Debtors' Motion for Entry of an Order Authorizing the Debtors to File Under Seal Certain Exhibits to the Declarations in Support of Motion to Enforce [Docket No. 380 – filed December 27, 2022]

ii. Order Authorizing the Debtors to File Under Seal Certain Exhibits to the Declarations in Support of the Motion to Enforce [Docket No. 381 – entered December 28, 2022]

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

3. Motion of Customers Bank for Authorization to File Under Seal Exhibits 3, 3(a), 6, 8, and 9 to the Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtor's Motion for an Order Enforcing the Settlement Order and Settlement Agreement Between KServicing and Customers Bank [Docket No. 359 – filed December 21, 2022]

Objection/Response Deadline: December 29, 2022 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Related Documents:

i. Certificate of No Objection Regarding the Motion of Customers Bank for Authorizing to File Under Seal Exhibits 3, 3(a), 6, 8, and 9 to the Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtor's Motion for an Order Enforcing the Settlement Order and Settlement Agreement Between KServicing and Customers Bank [Docket No. 393 – filed December 30, 2022]

ii. Order Approving Motion of Customers Bank for Authorization to File Under Seal Exhibits 3, 3(a), 6, 8, and 9 to the Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtor's Motion for an Order Enforcing the Settlement Order and Settlement Agreement Between KServicing and Customers Bank [Docket No. 402 – entered January 4, 2023]

Status: On January 4, 2023, the Court entered an order resolving this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

II. CONTINUED MATTER:

4. Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 340 – filed December 7, 2022]

Objection/Response Deadline: December 21, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

A. Opposition of Customers Bank to Debtors' Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 356 – filed December 21, 2022]

i. [Sealed] Declaration of Alyssa White in Support of Opposition of Customers Bank to Debtors' Motion for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 358 – filed December 21, 2022]

Related Documents:

i. Order (I) Authorizing and Approving Settlement Agreement Between KServicing and Customers Bank and (II) Granting Related Relief [Docket No. 232 – entered November 9, 2022]

ii. [Sealed] Declaration of Tamica M. Williams in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 341 – filed December 7, 2022]

iii. [Sealed] Declaration of Donna R. Evans in Support of Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 342 – filed December 7, 2022]

iv. Notice of Adjourned Hearing to Consider Motion of Debtors for Entry of an Order Enforcing the Settlement Order and the Settlement Agreement Between KServicing and Customers Bank [Docket No. 401 – filed January 3, 2023]

Status: The hearing on this matter has been adjourned to a date to be determined.

III. MATTER GOING FORWARD:

5. 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 [Docket No. 336 – filed December 7, 2022]

Objection/Response Deadline: December 21, 2022 at 4:00 p.m. (ET)

Objections/Responses Received:

A. Debtors' Objection to 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 [Docket No. 355 – filed December 21, 2022]

i. Declaration of Tamica M. Williams in Support of Debtors' Objection to 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 [Docket No. 357 – filed December 21, 2022]

Related Documents:

i. Order (I) Authorizing and Approving Settlement Agreement Between KServicing and Customers Bank and (II) Granting Related Relief [Docket No. 232 – entered November 9, 2022]

ii. [Sealed] Declaration of Alyssa White in Support of 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 [Docket No. 337 – filed December 7, 2022]

a. Notice of Filing of Proposed Redacted Version of Exhibits A and C to the Declaration of Alyssa White in Support of 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 [Docket No. 339 – filed December 7, 2022]

b. Re-Notice of Filing of Proposed Redacted Version of Exhibits A and C to the Declaration of Alyssa White in Support of 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 [Docket No. 382 – filed December 28, 2022]

iii. Customers Bank's Reply to the Debtors' Objection to 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 [Docket No. 408 – filed January 5, 2023]

a. Declaration of Alyssa White in Support of Reply of Customers Bank to Debtors' Objection to 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 [Docket No. 409 – filed January 5, 2023]

Witness Information:

i. Customers Bank's Witness List for January 6, 2023 Hearing [Docket No. 411 – filed January 5, 2023]

ii. Debtors' Witness List for January 6, 2023 Hearing [Docket No. 412 – filed January 5, 2023]

Exhibit Information:

i. Customers Bank's Exhibit List for January 6, 2023 Hearing [Docket No. 410 – filed January 5, 2023]

ii. Debtors' Exhibit List for January 6, 2023 Hearing [Docket No. 413 – filed January 5, 2023]

Status: The parties have resolved this matter and intend to submit a stipulation and agreed form of order under certification of counsel. **As a result, the hearing has been cancelled with permission from the Court.**

Dated: January 6, 2023
Wilmington, Delaware

/s/ Amanda R. Steele

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