

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

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	:	
In re	:	Chapter 11
	:	
KABBAGE, INC. d/b/a KSERVICING, et al.,	:	Case No. 22-10951 (CTG)
	:	
Debtors.¹	:	(Jointly Administered)
	:	
	:	Re: Docket Nos. 336 & 355
	X	

**CERTIFICATION OF COUNSEL REGARDING STIPULATED ORDER REGARDING
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**

The undersigned hereby certifies as follows:

1. On December 7, 2022, Customers Bank (“CB”) filed 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. 336] (“**CB’s Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”). Pursuant to the *Notice of Motion* attached to CB’s Motion, the deadline to file objections or responses to CB’s Motion was December 21, 2022 at 4:00 p.m. (prevailing Eastern Time) (the “**Objection Deadline**”) and a hearing to consider CB’s Motion was scheduled for January 6, 2023 at 10:00 a.m. (prevailing Eastern Time) (the “**Hearing**”).

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. Prior to the Objection Deadline, in response to CB's Motion, the above-captioned debtors and debtors in possession (collectively, the "**Debtors**" and together with CB, the "**Parties**") filed, among other things, 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. 355] (the "**Objection**").

3. The Parties have conferred regarding CB's Motion and the Objection and have agreed to resolve the same without need for the Hearing. The Parties have memorialized their agreement in the *Stipulated Order Regarding 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* (the "**Stipulation**").

4. A proposed form of order approving the Stipulation is attached hereto as **Exhibit A** (the "**Proposed Order**"). A copy of the Stipulation is attached as **Exhibit 1** to the Proposed Order.

[Remainder of page intentionally left blank]

WHEREFORE, on behalf of the Parties, the Debtors respectfully request that the Proposed Order be entered at the earliest convenience of the Court.

Dated: January 6, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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