

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re	X	
	:	Chapter 11
	:	
KABBAGE, INC. d/b/a KSERVICING, <i>et al.</i> ,	:	Case No. 22-10951 (CTG)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	:	Re: Docket No. 418

**CERTIFICATE OF NO OBJECTION REGARDING
MOTION OF DEBTORS FOR ENTRY OF ORDER (I) EXTENDING
TIME TO ASSUME OR REJECT UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY AND (II) GRANTING RELATED RELIEF**

The undersigned hereby certifies that Kabbage, Inc. d/b/a KServicing and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”), have received no answer, objection or any other responsive pleading with respect to the *Motion of Debtors for Entry of Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief* [Docket No. 418] (the “**Motion**”) filed by the Debtors with the United States Bankruptcy Court for the District of Delaware (the “**Court**”) on January 5, 2023. The undersigned further certifies that no answer, objection or other responsive pleading to the Motion has appeared on the Court’s docket in the above-captioned chapter 11 cases. Pursuant to the *Notice of Motion and Hearing* filed with the Motion, any objection or response to the relief requested in the Motion was to be filed and served

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.

no later than January 12, 2023 at 4:00 p.m. (prevailing Eastern Time).

WHEREFORE, the Debtors respectfully request that an order, substantially in the form attached hereto as **Exhibit A**, be entered at the earliest convenience of the Court.

Dated: January 13, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re KABBAGE, INC. d/b/a KSERVICING, et al., Debtors.¹	X : : : : : : X	Chapter 11 Case No. 22-10951 (CTG) (Jointly Administered) Re: Docket No. 418
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**ORDER (I) EXTENDING TIME TO ASSUME
OR REJECT UNEXPIRED LEASES OF NONRESIDENTIAL
REAL PROPERTY AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² of Kabbage, Inc. d/b/a KServicing and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”), pursuant to section 365(d)(4) of the Bankruptcy Code, for entry of an order (i) extending the time to assume or reject unexpired leases of nonresidential real property (the “**Assumption/Rejection Deadline**”) by an additional ninety (90) days, up to and including May 1, 2023, and (ii) granting related relief, all as more fully set forth in the Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties; and such notice having

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

been adequate and appropriate under the circumstances; and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion; and upon any hearing held to consider the relief requested in the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The Assumption/Rejection Deadline is extended to and including May 1, 2023, in accordance with section 365(d)(4) of the Bankruptcy Code.
3. The extension of time granted by this Order is without prejudice to the right of the Debtors to request further extensions, including on the basis that the initial Assumption/Rejection Deadline is May 1, 2023, and/or with the consent of the applicable landlord.
4. Nothing in the Motion or this Order shall be deemed or construed as (a) an assumption or rejection of any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code or (b) an admission or finding with respect to whether any of the Debtors' contracts or leases is an unexpired lease of nonresidential real property within the meaning of section 365(d) of the Bankruptcy Code.
5. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.
6. This Order shall be immediately effective and enforceable upon its entry.

7. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

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