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 JANUARY 19, 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

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/vJItf-2prDouGdpaOTo1XbuslmbvqTXOEQ0

I. MATTERS SUBMITTED UNDER CERTIFICATION:

1. 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

[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.**

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); extended by agreement to January 12, 2023 at 4:00 p.m. (ET) for the Office of the United States Trustee (the "U.S. Trustee")

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. 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]

v. Third 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. 262 – entered November 18, 2022]

vi. Certification of Counsel Regarding Revised Proposed Final 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. 439 – filed January 12, 2023]

vii. **Final 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. 445 – entered January 17, 2023]

Status: **On January 17, 2023, the Court entered an order resolving this matter. Accordingly, a hearing with respect to this matter is no longer necessary.**

2. 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 – filed January 5, 2023]

Objection/Response Deadline: January 12, 2023 at 4:00 p.m. (ET)

Objections/Responses Received: None at this time.

Related Documents:

i. 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 [Docket No. 442 – filed January 13, 2023]

ii. **Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief [Docket No. 446 – entered January 17, 2023]**

Status: **On January 17, 2023, the Court entered an order resolving this matter. Accordingly, a hearing with respect to this matter is no longer necessary.**

II. CONTINUED MATTER:

3. Motion of The Juneau Group, LLC for Allowance of Administrative Expense Claim Pursuant to 11 U.S.C. 503(b)(9) [Docket No. 345 – filed December 6, 2022]

Objection/Response Deadline: January 12, 2023 at 4:00 p.m. (ET)

Objections/Responses Received: None at this time.

Related Documents:

i. Motion of Continuance [Docket No. 421 – filed January 6, 2023]

Status: The hearing on this matter has been continued to the omnibus hearing scheduled for February 27, 2023 at 10:00 a.m. (ET).

III. MATTER GOING FORWARD:

4. Motion of Debtors for Entry of Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for

Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 176 – filed October 31, 2022]

Objection/Response Deadline: November 14, 2022, at 4:00 p.m. (ET); extended to December 2, 2022 at 4:00 p.m. (ET); extended to January 11, 2023 at 4:00 p.m. (ET) for the U.S. Trustee, the Federal Reserve Bank of San Francisco (the "Federal Reserve") and Fortis Advisors, LLC as the agent of the Target Company Securityholders (as such term is defined in that certain Agreement and Plan of Merger dated as of August 16, 2020), as well as certain former directors and officers of the Debtors in the Kabbage Inc. d/b/a/ KServicing Chapter 11 Cases ("Fortis"); extended for the United States of America on behalf of itself and the Small Business Administration to January 11, 2023; extended to January 12, 2023 at 12:00 noon (ET) for Cross River Bank

Objections/Responses Received:

A. Informal comments received from the Federal Reserve

B. Informal comments received from Fortis

C. United States Trustee's Objection to Motion of Debtors for Entry of Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 431 – filed January 11, 2023]

D. United States' Reservation of Rights and Limited Objection to Debtors' Motion for Entry of Order Approving the Disclosure Statement of the Debtors and to the Adequacy of Debtors' Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation [Docket No. 433 – filed January 11, 2023]

E. Cross River Bank's Objection to Motion of Debtors for Entry of Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory

Contracts, and (VII) Granting Related Relief [Docket No. 437 – filed January 12, 2023]

Related Documents:

i. Joint Chapter 11 Plan of Liquidation Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 14 – filed October 4, 2022]

ii. Disclosure Statement for the Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 63 – filed October 5, 2022]

iii. Notice of Hearing to Consider Approval of Disclosure Statement for the Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 98 – filed October 12, 2022]

iv. Notice of Extended Objection Deadline for and Continued Hearing to Consider Approval of (I) the Disclosure Statement and (II) the Relief Requested in the Disclosure Statement Motion [Docket No. 246 – filed November 11, 2022]

v. Notice of Continued Hearing to Consider Approval of (I) the Disclosure Statement and (II) the Relief Requested in the Disclosure Statement Motion [Docket No. 252 – filed November 15, 2022]

vi. Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 395 – filed December 30, 2022]

vii. Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 396 – filed December 30, 2022]

viii. Notice of Blacklines of (I) Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors and (II) Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 397 – filed December 30, 2022]

ix. Notice of Filing of Revised Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 398 – filed December 30, 2022]

x. **Debtors' Omnibus Reply to Objections to Motion of Debtors for Entry of Order (I) Approving the Disclosure Statement of the Debtors,**

(II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 449 – filed January 17, 2023]

a. **Motion of Debtors for Leave to File Reply in Support of Disclosure Statement and Solicitation Procedures Motion [Docket No. 450 – filed January 17, 2023]**

xi. **Notice of Filing of Further Revised Order (I) Approving the Disclosure Statement of the Debtors, (II) Establishing Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approving Special Electronic Noticing Procedures, (VI) Approving Debtors' Proposed Cure Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 452 – filed January 17, 2023]**

xii. **Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and Its Affiliated Debtors [Docket No. 453 – filed January 17, 2023]**

xiii. **Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and Its Affiliated Debtors [Docket No. 454 – filed January 17, 2023]**

xiv. **Notice of Blacklines of (I) Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors and (II) Amended Disclosure Statement for the Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 455 – filed January 17, 2023]**

Status: The hearing on this matter will go forward.

Dated: January 17, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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