IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re	:	**Chapter 11**
KABBAGE, INC. d/b/a KSERVICING, *et al.*,	:	**Case No. 22-10951 (CTG)**
Debtors.[1]	:	**(Jointly Administered)**
	:	**Re: Docket Nos. 466, 548, 590, 591, 592, 593, 594, 627 & 637**

DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING THE DEBTORS TO EXCEED THE PAGE LIMIT REQUIREMENT WITH RESPECT TO THE DEBTORS' CONFIRMATION BRIEF

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**"), respectfully represent as follows in support of this motion (this "**Motion**"):

Relief Requested

1. By this Motion, the Debtors seek entry of an order authorizing the Debtors to exceed the page limit requirements established by Rule 3017-3 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "**Local Rules**") with respect to the *Debtors' (I) Memorandum of Law in Support of Confirmation of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and Its Affiliated Debtors and (II) Omnibus Reply to Objections Thereto* [Docket No. 637] (the "**Confirmation Brief**").

[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. A proposed form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the "**Proposed Order**").

Jurisdiction and Venue

3. The Court has jurisdiction to consider 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 February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Pursuant to Rule 9013-1(f) of the Local Rules, the Debtors consent to the entry of a final order by the Court in connection with this Motion to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

4. On January 19, 2023, the Debtors filed the solicitation version of the *Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 466].

5. Contemporaneously herewith, the Debtors filed a revised version of the *Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 627] (with all schedules and exhibits thereto, and as may be amended, supplemented, or modified from time to time, the "**Plan**"). A hearing to consider confirmation of the Plan is scheduled to commence on March 13, 2023 at 10:00 a.m. (Prevailing Eastern Time) (the "**Confirmation Hearing**").

6. The Debtors have received five (5) objections to the confirmation of the Plan and one (1) joinder to an objection filed (collectively, the "**Objections**," and the parties filing such Objections, the "**Objecting Parties**"). *See* Docket Nos. 548, 590, 591, 592, 593, and 594.[2]

7. In connection with the Plan, contemporaneously herewith the Debtors have filed their Confirmation Brief. As filed, the Confirmation Brief is approximately 111 pages (exclusive of any tables, exhibits, addenda, or other supporting materials in accordance with Local Rule 3017-3) and provides affirmative arguments in support of the Plan and also addresses and responds to the Objections.

Basis for Relief Requested

8. Local Rule 3017-3 provides, in relevant part, that "[i]n all chapter 11 cases, without leave of the Court[] . . . no brief in support of approval of a disclosure statement or confirmation of a plan . . . shall exceed sixty (60) pages (exclusive of any tables, exhibits, addenda or other supporting materials)." Del. Bankr. L.R. 3017-3. Additionally, Local Rule 1001-1(c) provides that the Local Rules "may be modified by the Court in the interest of justice." Del. Bankr. L.R. 1001-1(c). Accordingly, briefs such as the Confirmation Brief may exceed the applicable page limit requirements with leave of Court.

9. The Debtors respectfully submit that their request to exceed the page limitation set forth in Local Rule 3017-3 is reasonable and appropriate under the circumstances. The Confirmation Brief describes in detail the Plan and the requirements for confirmation, responds to the Objections, and summarizes the status of the Objections and the Debtors' responses thereto. While the Debtors have made the Confirmation Brief as succinct as possible under the

[2] In addition to the Objections, certain other parties provided informal comments with respect to confirmation of the Plan.

circumstances, they cannot effectively respond to the complex and wide range of issues raised in the Objections or provide the Court with the information necessary for a full and fair adjudication of the matters presented without exceeding the page limits established by Local Rule 3017-3. Additionally, the Debtors believe that the Confirmation Brief will help streamline the Court's review of the parties' arguments prior to the Confirmation Hearing and oral argument at the Confirmation Hearing because the Confirmation Brief highlights and responds to the precise issues raised by the Objections. Accordingly, the Debtors submit that there is more than ample justification for the relief requested herein.

Notice

10. Notice of this Motion will be provided to (a) the Office of the United States Trustee for the District of Delaware; (b) the holders of the 30 largest unsecured claims against the Debtors on a consolidated basis; (c) the Federal Reserve Bank; (d) Customers Bank; (e) Cross River Bank; (f) the United States Department of Justice; (g) the Federal Trade Commission; (h) the Small Business Administration; (i) the Internal Revenue Service; (j) the Securities and Exchange Commission; (k) the United States Attorney's Office for the District of Delaware; and (l) any party that is entitled to notice pursuant to Bankruptcy Rule 2002 (collectively, the "**Notice Parties**"). The Debtors believe that no further notice is required.

[*Remainder of page intentionally left blank*]

Conclusion

WHEREFORE, for the reasons set forth herein, the Debtors respectfully request that the Court enter the Proposed Order, granting the relief requested in this Motion and such other and further relief as may be just and proper.

Dated: March 9, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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