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)**

NOTICE OF AGENDA FOR HEARING SCHEDULED FOR MARCH 13, 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/vJIsce2rpzwqHPfIwHZ2EJIBm8oIndIUrzM

I. CONFIRMATION:

1. Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 627 – filed March 9, 2023]

[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.

Confirmation Objection/Response Deadline: February 28, 2023 at 4:00 p.m. (ET); extended by agreement to March 2, 2023 at 4:00 p.m. (ET) for the Federal Reserve

Confirmation Objections/Responses Received:

A. Informal comments received from the Internal Revenue Service (the "IRS")

B. Objection of Lead Plaintiffs and Putative Class Members to Confirmation of Amended Joint Chapter 11 Plan of Kabbage, Inc. d/b/a KServicing and its Debtor Affiliates [Docket No. 548 – filed February 21, 2023]

C. United States Trustee's Limited Objection to Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 590 – filed February 28, 2023]

D. Objection of Paul Pietschner to Confirmation of Debtors' Proposed Plan of Liquidation [Docket No. 591 – filed February 28, 2023]

E. Limited Objection and Reservation of Rights of Cross River Bank to Confirmation of Debtors' Chapter 11 Plan [Docket No. 592 – filed February 28, 2023]

F. United States' Reservation of Rights and Limited Objection to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 593 – filed February 28, 2023]

G. Joinder of Customers Bank in Limited Objection and Reservation of Rights of Cross River Bank to Confirmation of Debtors' Chapter 11 Plan [Docket No. 594 – filed February 28, 2023]

Initial Assumption Notice Objection Deadline: March 6, 2023 at 4:00 p.m. (ET); extended by agreement for Salesforce.com, Inc. and Tableau Software, LLC to March 7, 2023 at 4:00 p.m. (ET)

Initial Assumption Notice Objections Received:

A. Informal response received from Salesforce.com, Inc. and Tableau Software, LLC

B. Limited Objection of Insperity PEO Services, L.P. to the Assumption of the Service Agreement with the Debtors [Docket No. 607 – filed March 6, 2023]

Related Documents:

i. Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors - Solicitation Version [Docket No. 466 – filed January 19, 2023]

ii. Amended Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors - Solicitation Version [Docket No. 467 – filed January 19, 2023]

iii. 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. 470 – entered January 19, 2023]

iv. Notice of (I) Approval of the Disclosure Statement of the Debtors (II) Establishment of Solicitation, Voting, and Related Procedures, (III) Scheduling Confirmation Hearing, (VI) Establishing Notice and Objection Procedures for Confirmation of Plan, (V) Approval of Special Electronic Noticing Procedures for Unexpired Leases and Executory Contracts, and (VII) Granting Related Relief [Docket No. 471 – filed January 20, 2023]

v. Notice of Adjournment of Certain Dates Related to Confirmation of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 523 – filed February 10, 2023]

vi. Notice of Filing of Supplement to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 561 – filed February 21, 2023]

vii. Notice of Potential Assumption and Cure Amounts in Connection with Contracts and Leases [Docket No. 566 – filed February 22, 2023] (the "Initial Assumption Notice")

viii. Notice of Filing of Second Supplement to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 611 – filed March 6, 2023]

ix. Supplemental Notice of Potential Assumption and Cure Amounts in Connection with Contracts and Leases [Docket No. 612 – filed March 6, 2023] (the "Supplemental Assumption Notice")[2]

[2] The deadline to object to the Supplemental Assumption Notice is March 16, 2023 at 4:00 p.m. (ET).

x. Notice of Rejection of Certain Agreements Pursuant to the Plan [Docket No. 613 – filed March 6, 2023]

xi. Notice of Blackline of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 628 – filed March 9, 2023]

xii. Notice of Filing of Third Supplement to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 630 – filed March 9, 2023]

xiii. Notice of Filing of Proposed Confirmation Order [Docket No. 632 – filed March 9, 2023]

xiv. Declaration of Salim Kafiti in Support of Confirmation of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 633 – filed March 9, 2023]

xv. Declaration of Deborah Rieger-Paganis, a Managing Director at AlixPartners, LLP, in Support of Confirmation of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 634 – filed March 9, 2023]

xvi. Declaration of Kim D. Steverson of Omni Agent Solutions, Inc. Regarding Solicitation of Votes and Tabulation of Ballots Cast on the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 635 – filed March 9, 2023]

xvii. Declaration of Laquisha Milner in Support of Confirmation of Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors [Docket No. 636 – filed March 9, 2023]

xviii. 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 – filed March 9, 2023]

a. Debtors' Motion for Entry of an Order Authorizing the Debtors to Exceed the Page Limit Requirement with Respect to the Debtors' Confirmation Brief [Docket No. 639 – filed March 9, 2023]

Witness Information:

i. Debtors' Witness List for March 13, 2023 Hearing [Docket No. 641– filed March 9, 2023]

Exhibit Information:

i. Customer Bank's Exhibit List for the March 13, 2023 Confirmation Hearing at 10:00 a.m. [Docket No. 626 – filed March 9, 2023]

ii. Debtors' Exhibit List for March 13, 2023 Confirmation Hearing [Docket No. 642 – filed March 9, 2023]

Status: The confirmation hearing will go forward. The Debtors have resolved the informal comments received from the IRS. The Debtors have resolved the formal objection of the United States, but certain informal comments received from the United States remain outstanding. The hearing with respect to any objections to the Initial Assumption Notice is adjourned to the extent not resolved.

Dated: March 9, 2023
Wilmington, Delaware

/s/ Amanda R. Steele

RICHARDS, LAYTON & FINGER, P.A.
Daniel J. DeFranceschi, Esq. (No. 2732)
Amanda R. Steele, Esq. (No. 5530)
Zachary I. Shapiro, Esq. (No. 5103)
Matthew P. Milana, Esq. (No. 6681)
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
Telephone: (302) 651-7700
E-mail: defranceschi@rlf.com
steele@rlf.com
shapiro@rlf.com
milana@rlf.com

-and-

WEIL, GOTSHAL & MANGES LLP
Ray C. Schrock, Esq. (admitted *pro hac vice*)
Candace M. Arthur, Esq. (admitted *pro hac vice*)
Natasha S. Hwangpo, Esq. (admitted *pro hac vice*)
Chase A. Bentley, Esq. (admitted *pro hac vice*)
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
E-mail: ray.schrock@weil.com
candace.arthur@weil.com
natasha.hwangpo@weil.com
chase.bentley@weil.com

Attorneys for Debtors
and Debtors in Possession