UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JASON CARR, VICKI LEMASTER, EDWARD FORD SERVICES LLC, CARLTON MORGAN, 365 SUN LLC, and CANDICE WORTHY, *individually and on behalf of others similarly situated*, Plaintiffs, v. KABBAGE, INC., d/b/a KSERVICING, Defendant.	CIVIL ACTION NO. 1:22-cv-01249-VMC

NOTICE OF SUGGESTION OF PENDENCY
OF BANKRUPTCY AND AUTOMATIC STAY OF PROCEEDINGS

PLEASE BE ADVISED that, on October 3, 2022, 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**" and, together with their non-Debtor affiliates, the "**Company**") commenced bankruptcy cases (the "**Chapter 11 Cases**") in the United States Bankruptcy Court for the District of Delaware (the "**Bankruptcy Court**") by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, *et seq.* (the "**Bankruptcy Code**"). The Chapter 11 Cases are now pending before The

Honorable Judge Goldblatt, United States Bankruptcy Judge, and are under the caption *In re Kabbage, Inc. d/b/a KServicing, et al.*, Case No. 22-10951 (CTG).

PLEASE BE FURTHER ADVISED that section 362(a) of the Bankruptcy Code provides for an automatic stay, applicable to all entities, of, among other things, the following:

> (1) The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [chapter 11], or to recover a claim against the debtor that arose before the commencement of the case under [chapter 11]; [and]
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> * * *
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> (6) Any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under [chapter 11].

PLEASE BE FURTHER ADVISED that section 362(k)(1) of the Bankruptcy Code provides that any entity injured by a willful violation of the automatic stay "shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."

PLEASE BE FURTHER ADVISED that the automatic stay of proceedings automatically commenced concurrently with the filing of the chapter 11 petitions on October 3, 2022. The automatic stay prevents "commencement or continuation" of actions against a debtor. Any and all pleadings filed since October 3, 2022 constitute

a "continuation" of a stayed suit and therefore violate the automatic stay and are void.

PLEASE BE FURTHER ADVISED that additional information regarding the status of the Chapter 11 Cases may be obtained by: (i) reviewing the docket of the Chapter 11 Cases electronically at *https://ecf.deb.uscourts.gov* (at a cost and a PACER login and password are required); (ii) reviewing the Chapter 11 Case website maintained by the Debtors' claims and noticing agent, Omni Agent Solutions, Inc. at https://omniagentsolutions.com/kservicing (free of charge); or (iii) contacting proposed counsel for the Debtors, Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153 (Attn: Candace M. Arthur, Natasha S. Hwangpo, and Chase A. Bentley) at candace.arthur@weil.com, natasha.hwangpo@weil.com, and chase.bentley@weil.com; and Richards, Layton & Finger, P.A., One Rodney Square, 920 North King Street, Wilmington, Delaware 19801 (Attn: Daniel J. DeFranceschi, Amanda R. Steele, and Zachary I. Shapiro,) at defranceschi@rlf.com, steele@rlf.com, and shapiro@rlf.com.

Dated: October 11, 2022

Respectfully submitted,

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JASON CARR, VICKI LEMASTER, EDWARD FORD SERVICES LLC, CARLTON MORGAN, 365 SUN LLC, and CANDICE WORTHY, *individually and on behalf of others similarly situated*,

Plaintiffs,

v.

KABBAGE, INC., d/b/a KSERVICING,

Defendant.

CIVIL ACTION
NO. 1:22-cv-01249-VMC

CERTIFICATE OF SERVICE AND COMPLIANCE

I certify that on October 11, 2022, I filed the foregoing **NOTICE OF SUGGESTION OF PENDENCY OF BANKRUPTCY AND AUTOMATIC STAY OF PROCEEDINGS** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record. I also certify that the foregoing was prepared in accordance with N.D. Ga. L.R. 5.1, using Times New Roman font, 14 point.

/s/ Uchenna Ekuma-Nkama
Uchenna Ekuma-Nkama