

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

JUL 29 2010

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In re: : Chapter 11
ADVANTA CORP., *et al.* : Case No. 09-13931 (KJC)
Debtors. : (Jointly Administered)
_____ x
ADVANTA BANK CORP. :
Plaintiff, :
-against- : Adversary Proceeding
ADVANTA CORP. : No.: 10-50795 (KJC)
Defendant. : Δ I. 4 9
_____ x

AGREED ORDER REGARDING SUBPOENA SERVED ON KPMG

WHEREAS, on June 18, 2010, the Federal Deposit Insurance Corporation (“FDIC-R”), as receiver for Advanta Bank Corp. (“ABC”), served a subpoena (the “Subpoena”) in the above-referenced matter on KPMG, LLP (“KPMG”) seeking, among other things, certain documents relating to tax returns (“Tax Documents”) filed by defendant Advanta Corp. (“Advanta”); and

WHEREAS, by letter dated June 25, 2010, KPMG objected to the Subpoena on various grounds; and

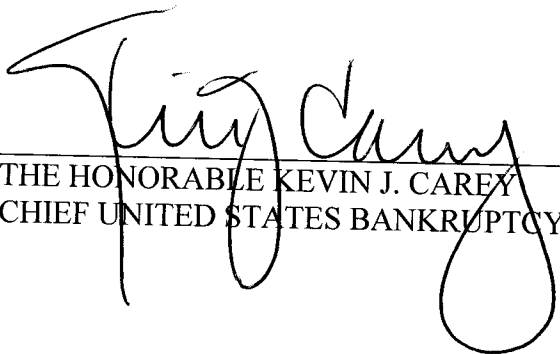
WHEREAS, under 26 U.S.C. § 7216, KPMG is generally precluded from producing such Tax Documents unless certain exceptions apply, which include an order of the Court requiring production of the documents; and

WHEREAS respective counsel for the FDIC-R, Advanta, the Official Committee of Unsecured Creditors, and KPMG have conferred and agree that 26 U.S.C. § 7216 should not preclude KPMG from producing documents in response to the Subpoena and that, in an abundance of caution, the Court should enter an order requiring KPMG to produce documents in response to the Subpoena (without prejudice to KPMG's other objections) so that KPMG is in no danger of violating 26 U.S.C. § 7216 by producing the requested documents.

IT IS HEREBY ORDERED THAT:

1. The provisions of 26 U.S.C. § 7216 shall not preclude KPMG from producing documents in response to the Subpoena.
2. KPMG shall produce documents in response to the Subpoena, while reserving all objections to the Subpoena not based on 26 U.S.C. § 7216.
3. That this Court reserves jurisdiction to enforce the terms of this Order.

Dated: June 30, 2010
Wilmington, Delaware



THE HONORABLE KEVIN J. CAREY
CHIEF UNITED STATES BANKRUPTCY JUDGE