

SUPREME COURT OF NOVA SCOTIA

IN THE MATTER OF: **Application by IMV Inc., Immunovaccine Technologies Inc. and IMV USA Inc. (the “Applicants”), for relief under the *Companies’ Creditors Arrangement Act***

NOTICE OF MOTION

To: Attached Service List at Schedule “A”

Motion

The Applicants, IMV Inc. and Immunovaccine Technologies Inc., move for:

1. an approval and vesting order approving the transaction contemplated by the Agreement of Purchase and Sale dated September 1, 2023, by and between Horizon Technology Finance Corporation (“**Horizon**”), as purchaser, and IMV Inc. and Immunovaccine Technologies Inc. (“**IVT**”), as vendors; and
2. an order:
 - (i) approving an interim distribution to the Applicants’ secured creditors, Horizon and Powerscourt Investments XXV LP;
 - (ii) declaring that pursuant to section 5(5) of the *Wage Earner Protection Program Act*, S.C. 2005, c. 47, s. 1 (the “**WEPPA**”), IMV Inc. and IVT meet the criteria established by section 3.2 of the *Wage Earner Protection Program Regulations*, SOR/2008-222 (the “**WEPPA Regulations**”); and
 - (iii) approving the activities of the Monitor as well as the fees and disbursements of the Monitor and its legal counsel, Stikeman Elliott LLP.

Time and place

The motion is to be heard by a judge at 2:00 p.m. (Halifax time) on Tuesday, September 5, 2023, in the Halifax Law Courts virtually via Microsoft TEAMS at a link to be communicated to the Service List. The moving party has set the motion for hearing in a half day or less in chambers. The moving party says that the motion will not require more time.

References

The moving party relies on the following legislation, Rules, or points of law:

1. *Companies’ Creditors Arrangement Act*, ss. 11 and 36;
2. WEPPA, s 5(5);
3. WEPPA Regulations, s. 3.2; and

4. Civil Procedure Rules 2.03 and 85.04.

Evidence

The evidence in support of the motion is as follows:

1. Affidavit of Brittany Davison sworn on September 1, 2023 and filed with this notice.

Possible order against you

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed September 1, 2023

A handwritten signature in blue ink, appearing to read 'A. Tardif', is written above a horizontal line.

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Counsel for the Applicants,

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Inc. and IMV USA Inc.**

Schedule "A" – Service List