

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 an order:

1. amending the Amended and Restated Initial Order dated May 5, 2023 in order to:
 - (i) expand the powers of the Monitor; and
 - (ii) authorize the Applicants, subject to such requirements as are imposed by the Monitor and with the consent of the Applicants’ secured creditors, to convey, transfer, assign, lease, or in any other manner dispose of the property, assets and undertaking of the Applicants, outside the ordinary course of business, in whole or in part, provided that the price in each case does not exceed \$1,200,000 or \$1,500,000 in the aggregate;
2. amending the Claims Process Order entered on May 9, 2023 (the “**Claims Process Order**”) to authorize the Monitor and the Applicants to stop processing Claims and to dispense them from any further obligation to review the Proofs of Claim filed and value the amounts and terms set out therein for voting and distribution purposes;
3. declaring that the bar dates set force in the Claims Process Order remain in full force and effect;
4. granting a release in favour of the present and former, *de facto* and *de jure*, directors and officers of the Applicants (the “**Directors and Officers**”) as well as a “channeling injunction” to allow the pursuit of claims against the Directors and Officers as against any existing director and officer insurance policies;
5. extending the Stay Period until and including October 27, 2023; and
6. 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 Wednesday, September 27, 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, 11.02, 12, 19 and 36; and
2. 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 21, 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 22, 2023



Alain N. Tardif

François Alexandre Toupin

McCarthy Tétrault LLP

1000 De La Gauchetière Street West

Suite MZ400

Montréal, QC H3B 0A2

Phone : (514) 397-4100

Fax : (514) 875-6246

Sara L. Scott

Stewart McKelvey

600-1741 Lower Water Street

Halifax, NS B3J 0J2

Phone: (902) 420-3363

Fax: (902) 420-1417

Counsel for the Applicants,

IMV Inc., Immunovaccine Technologies

Inc. and IMV USA Inc.

Schedule "A" – Service List

SUPREME COURT OF NOVA SCOTIA

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SERVICE LIST

Party	Method of Service
<p>McCarthy Tétrault LLP 1000 De La Gauchetière Street West Suite MZ400 Montréal, QC H3B 0A2 <i>Counsel to the Applicants.</i></p>	<p>M^{tre} Alain N. Tardif Tel : 514.397.4274 E-mail : atardif@mccarthy.ca</p> <p>M^{tre} Gabriel Faure Tel: 514.397.4182 E-mail: gfaure@mccarthy.ca</p> <p>M^{tre} François Alexandre Toupin Tel: 514.397.4210 E-mail: fatoupin@mccarthy.ca</p>
<p>Stewart McKelvey Queen’s Marque 600-1741 Lower Water Street Halifax, NS B3J 0J2 <i>NS Counsel to the Applicants</i></p>	<p>M^{tre} Sara L. Scott Tel : 514.397.4274 E-mail : sscott@stewartmckelvey.com</p>
<p>Aird & Berlis LLP Brookfield Place 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9 <i>Counsel to the Horizon Technology Finance Corporation, as agent</i></p>	<p>M^{tre} Miranda Spence Tel : 416.865.3414 E-mail : mspence@airdberlis.com</p> <p>M^{tre} Graham Topa Tel: 416.865.4739 E-mail : gtopa@airdberlis.com</p> <p>M^{tre} Kyle Plunkett Tel: 416.865.3406 E-mail : kplunkett@airdberlis.com</p>
<p>Ropes & Gray LLP Prudential Tower 800 Boylston Street Boston, MA 02199-3600 <i>US Counsel to the secured creditor Horizon Technology Finance Corporation, as agent</i></p>	<p>M^{tre} Cristine Schwarzman Tel: 212.596.9635 E-mail : Cristine.Schwarzman@ropesgray.com</p> <p>M^{tre} Patricia I. Chen Tel : 617.951.7553 E-mail: patricia.chen@ropesgray.com</p>

<p>FTI Consulting Canada Inc. TD South Tower 79 Wellington Street West Suite 2010, P.O. Box 104 Toronto, ON M5K 1G8</p> <p><i>Monitor</i></p>	<p>Jodi Porepa Tel : 437.332.5743 E-mail : Jodi.Porepa@fticonsulting.com</p> <p>Jeffrey Rosenberg Tel: 416.649.8073 E-mail: Jeffrey.Rosenberg@fticonsulting.com</p> <p>Adsaran Vithiyanthan E-mail : Adsaran.Vithiyanthan@fticonsulting.com</p>
<p>Stikeman Elliot LLP 5300 Commerce Court West 199 Bay Street Toronto ON M5L 1B9</p>	<p>M^{tre} Maria Konyukhova Tel : 416.869.5230 E-mail: mkonyukhova@stikeman.com</p> <p>M^{tre} Natasha Rambaran Tel : 416.869.5504 E-mail: nrambaran@stikeman.com</p> <p><i>Counsel to the Appointed Monitor</i></p>
<p>Atlantic Canada Opportunities Agency Legal Services Department of Justice / Government of Canada PO Box 6051 644 Main Street Moncton, NB E1C 9J8</p>	<p>M^{tre} Corinne Godbout E-mail: Corinne.Godbout@ACOA- APECA.GC.CA</p>
<p>Canada Revenue Agency</p>	<p>M^{tre} Sophie Dupre Department of Justice Tel: 902 407-7674 E-mail: Sophie.dupre@justice.gc.ca</p> <p>General address for service: E-mail: notificationPGC-AGC.fiscal-tax@justice.gc.ca notificationPGC-AGC.civil@justice.gc.ca</p>
<p>McInness Cooper 1969 Upper Water Street Suite 1300 McInness Cooper Tower – Purdy’s Wharf Halifax, NS B3J 2V1</p>	<p>M^{tre} Ben Durnford Tel: 902.444.8454 E-mail: ben.durnford@mcinnescooper.com</p>
<p>Nova Scotia Securities Commission</p>	<p>M^{tre} Doug Harris Nova Scotia Securities Commission E-mail : Doug.harris@novascotia.ca</p> <p>M^{tre} Daniel Boyle Nova Scotia Department of Justice E-mail: Daniel.Boyle@novascotia.ca</p>

<p>Powerscourt Investments XXV 1251 Avenue of the Americas, 50th Floor New York, NY 10020</p>	<p>Conan Sang E-mail: CSang@waterfallam.com</p>
<p>Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide St. W, Toronto, ON M5H 4E3 <i>Counsel to Zoetis</i></p>	<p>M^{tre} Roger Jaipargas Tel: 416.367.6266 E-mail: RJaipargas@blg.com M^{tre} Krstina Skocic Tel: 416.367.6451 E-mail: KSkocic@blg.com</p>
<p>Fonds de solidarité FTQ</p>	<p>M^{tre} Caroline Dion Tel : 514.603.2812 E-mail: cdion@fondsftq.com</p>
<p>XL Specialty Insurance Company First Canadian Place 100 King Street West, Suite 3020 Toronto, Ontario M5X 1C9</p>	<p>Virginia Jagoda E-mail: Virginia.Jagoda@axaxl.com</p>
<p>AIG Insurance Company of Canada 120 Bremner Boulevard, Suite 2200 Toronto, Ontario M5J 0A8</p>	<p>E-mail: ebill@tripemco.com</p>
<p>Allied World Specialty Insurance Company 200 King Street West, Suite 1600 Toronto, Ontario M5H 3T4</p>	<p>Ffiona McDonough E-mail: Ffiona.McDonough@awac.com</p>
<p>Chubb Insurance Company of Canada 199 Bay Street, Suite 2500, 12th floor P.O. Box 139 Commerce Court Postal Station Toronto, Ontario, M5L 1E2</p>	<p>Maria DiPietro E-mail: Maria.DiPietro@Chubb.com</p>
<p>Shareholder Group</p>	<p>M^{tre} Jonathan Foreman Tel: 519.914.1175 x 102 E-mail: jforeman@foremancompany.com</p>

Email distribution list:

Atardif@mccarthy.ca; fatoupin@mccarthy.ca; sscott@stewartmckelvey.com;
Adsaran.Vithiyananthan@fticonsulting.com; Jodi.Porepa@fticonsulting.com;
Jeffrey.Rosenberg@fticonsulting.com; mkonyukhova@stikeman.com;
nrambaran@stikeman.com; mspence@airdberlis.com; gtopa@airdberlis.com;
kplunkett@airdberlis.com; Cristine.Schwarzman@ropesgray.com;
patricia.chen@ropesgray.com; Corinne.Godbout@ACOA-APECA.GC.CA;
Sophie.dupre@justice.gc.ca; notificationPGC-AGC.civil@justice.gc.ca;
notificationPGC-AGC.fiscal-tax@justice.gc.ca; ben.durnford@mcinnescooper.com;
Daniel.Boyle@novascotia.ca; Doug.harris@novascotia.ca; CSang@waterfallam.com;
RJaipargas@blg.com; KSkocic@blg.com; cdion@fondsftq.com; Virginia.Jagoda@axaxl.com;
ebill@tripemco.com; Ffiona.McDonough@awac.com; Maria.DiPietro@Chubb.com;
jforeman@foremancompany.com