

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

IMV Inc., *et al.*,

Debtors in a Foreign Proceeding.¹

Chapter 15

Case No. 23-10589 (KBO)

(Jointly Administered)

Re: D.I. 38

ORDER GRANTING MOTION PURSUANT TO SECTIONS 105(A), 1507, 1521, AND 1525 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULE 9006, FOR ENTRY OF AN ORDER (I) RECOGNIZING AND ENFORCING THE SECOND EXTENSION ORDER AND (II) GRANTING RELATED RELIEF

Upon the motion (the “Motion”)² of IMV Inc., in its capacity as the duly appointed foreign representative (the “Foreign Representative”) for the above-captioned debtors (collectively, the “Debtors”), for entry of an order pursuant to sections 105(a), 1507, 1521, and 1525 of the Bankruptcy Code; and the Court finding that the relief granted herein is necessary and appropriate, is in the interest of the public, promotes international comity, is consistent with the public policies of the United States, is warranted pursuant to sections 105(a), 1507, 1521, and 1525 of the Bankruptcy Code, and will not cause any hardship to any parties in interest that is not outweighed by the benefits of the relief granted; and the Court having found that the interests of the Debtors’ creditors in the United States are sufficiently protected; and after due deliberation and sufficient cause appearing therefor,

¹ The Debtors in these chapter 15 proceedings, together with the last four digits of their business identification numbers, are: IMV Inc. (6991); IMV USA Inc. (4184) (“IMV USA”); and Immunovaccine Technologies Inc. (6772) (“IVT”). The location of the Debtors’ headquarters and the Debtors’ foreign representative is: 130 Eileen Stubbs Avenue, Suite 19, Dartmouth, Nova Scotia B3B 2C4.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Court recognizes the Second Extension Order, attached hereto as **Exhibit 1**, which is hereby given full force and effect in the United States in its entirety.
3. Pursuant to sections 105(a), 1507, 1521, and 1525 of the Bankruptcy Code, the Foreign Representative, the Debtors, and the Monitor (as well as each of their respective officers, employees and agents) are authorized to take any and all actions necessary or appropriate to implement the Second Extension Order and this Order.
4. All objections to the entry of this Order that have not been withdrawn, waived, settled, or otherwise resolved, are denied and overruled on the merits, with prejudice.
5. This Order shall be effective and enforceable immediately upon entry.
6. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.
7. This Order shall constitute a final order within the meaning of 28 U.S.C. § 158(a).

Dated: September 12th, 2023
Wilmington, Delaware

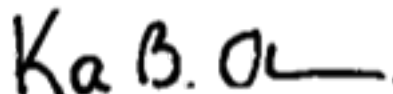
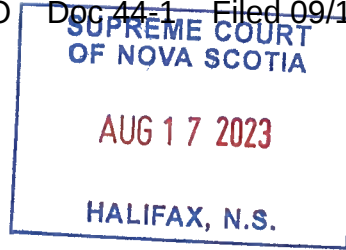

KAREN B. OWENS
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Second Extension Order



2023

Hfx No. 523334

SUPREME COURT OF NOVA SCOTIA

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

Second Extension Order

Before the Honourable Justice John P. Bodurtha in chambers:



The Applicants propose to make a compromise or arrangement under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "CCAA") and they applied for an initial order and, now or in the future, other relief under the CCAA as may be sought on notice of motion.

The following parties received notice of this application: see attached at Schedule "A".

The following parties, represented by the following counsel, made submissions:

<u>Party</u>	<u>Counsel</u>
Applicants	McCarthy Tétrault LLP Alain N. Tardif Gabriel Faure François Alexandre Toupin
Monitor, FTI Consulting Canada Inc.	Stewart McKelvey Lawyers Sara L. Scott
Horizon Technology Finance Corporation, as agent	Stikeman Elliott LLP Maria Konyukhova Natasha Rambaran
	Aird & Berlis LLP Miranda Spence Kyle Plunkett

On motion of the Applicants, the following is ordered and declared:

Service and Definitions

1. The service of the Notice of Motion, the associated pleadings, and the supporting documents, as set out in the affidavit of service is hereby abridged and validated so that this Motion is properly returnable today and further service thereof is hereby dispensed with.
2. Service of this Order is permitted at any time and place and by any means whatsoever.

3. All capitalized terms used in this Order and not otherwise defined herein shall have the meanings ascribed to them in the Amended and Restated Initial Order issued on May 5, 2023 in these CCAA proceedings.

Effective Time

4. This Order and all of its provisions are effective as of 12:01 a.m. Halifax time, province of Nova Scotia, on the date of this Order.

Extension of the Stay Period

5. The Stay Period and the application of the Amended and Restated Initial Order is extended until and including September 29, 2023.

Approval of the Monitor's activities and fees

6. The activities of FTI Consulting Canada Inc., in its capacity as monitor (the "Monitor"), up to the date of this Order, as described in the Third Report of the Monitor dated August 15, 2023 (the "Third Report"), are hereby approved.
7. The Monitor has fulfilled its obligations pursuant to the CCAA and the orders of the Court up until and including the date of this Order.
8. The fees and disbursements of the Monitor and its legal counsel, Stikeman Elliott LLP, as detailed in the Third Report as well as the Affidavit of Jeffrey Rosenberg sworn August 15, 2023, attached as Appendix "C" to the Third Report and the Affidavit of Maria Konyukhova, sworn August 15, 2023, attached as Appendix "D" to the Third Report are hereby approved.

General


9. This Order and all other orders in these proceedings shall have full force and effect in all provinces and territories in Canada.
10. The aid and recognition of any Court, tribunal, regulatory or administrative body in Canada, the United States of America or elsewhere, to give effect to this Order and to assist the Applicants, the Monitor and their respective agents in carrying out the terms of this Order. All Courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicants and the Monitor as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor or the authorized representative of the Applicants in any foreign proceeding, to assist the Applicants and the Monitor, and to act in aid of and to be complementary to this Court, in carrying out the terms of this Order.
11. Each of the Applicants and the Monitor may apply to any court, tribunal, or regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and the Monitor may act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

Issued August 17th, 2023



~~Prothonotary~~
LAUREL PAUL
Deputy Prothonotary

IN THE SUPREME COURT
COUNTY OF HALIFAX, N.S.
I hereby certify that the foregoing document,
identified by the seal of the court, is a true
copy of the original document on the file herein.

AUG 17 2023


Deputy Prothonotary

Schedule "A" – Service List

2023

Hfx No. 523334

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***

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 Vithiyananthan E-mail : Adsaran.Vithiyananthan@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:</p> <p>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</p>	<p>M^{tre} Roger Jaipargas Tel: 416.367.6266 E-mail: RJaipargas@blg.com</p> <p>M^{tre} Krstina Skocic Tel: 416.367.6451 E-mail: KSkocic@blg.com</p> <p><i>Counsel to Zoetis</i></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