

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

In re:

IMV Inc., *et al.*,

Debtors in a Foreign Proceeding.<sup>1</sup>

Chapter 15

Case No. 23-10589 (KBO)

(Jointly Administered)

Re: D.I. 33

**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 EXTENSION ORDER AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)<sup>2</sup> 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,

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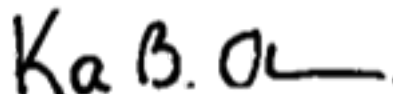
<sup>1</sup> The Debtors in these chapter 15 proceedings, together with the last four digits of their business identification numbers, are: IMV Inc. (6991); IMV USA Inc. (4184) (“IMV USA”); and Immunovaccine Technologies Inc. (6772) (“IVT”). The location of the Debtors’ headquarters and the Debtors’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

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

**IT IS HEREBY ORDERED THAT:**

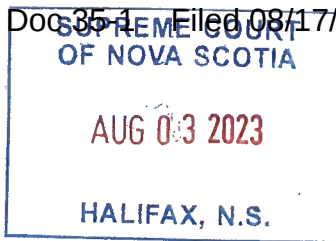
1. The Motion is GRANTED.
2. The Court recognizes the Extension Order, attached hereto as **Exhibit 1**, which is hereby given full force and effect in the United States in its entirety.
3. Pursuant to sections 105(a), 1507, 1521, and 1525 of the Bankruptcy Code, the Foreign Representative, the Debtors, 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 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: August 17th, 2023**  
**Wilmington, Delaware**

  
**KAREN B. OWENS**  
**UNITED STATES BANKRUPTCY JUDGE**

**EXHIBIT 1**

**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**



**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.

Sgd.  
JPB, J  
*[Signature]*

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	<b>McCarthy Tétrault LLP</b> Alain N. Tardif Gabriel Faure François Alexandre Toupin
	<b>Stewart McKelvey Lawyers</b> Sara L. Scott
Monitor, FTI Consulting Canada Inc.	<b>Stikeman Elliott LLP</b> Maria Konyukhova
Horizon Technology Finance Corporation, as agent	<b>Aird &amp; Berlis LLP</b> 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, being July 17, 2023.

**Extension of the Stay Period**

5. The Stay Period and the application of the Amended and Restated Initial Order is extended until and including August 18, 2023.

**Approval of the Monitor's activities and fees**


6. The activities of the Monitor, up to the date of this Order, described in the pre-filing report of the Monitor dated April 28, 2023, the first report of the Monitor dated May 4, 2023, and the second report of the Monitor dated July 13, 2023 (the "**Second Report**"), are hereby approved.
7. The Monitor has fulfilled its obligations pursuant to the CCAA and the orders of the Court up until the date of this Order.
8. The fees and disbursements of the Monitor and its legal counsel, Stikeman Elliott LLP, as detailed in the Second Report as well as the Affidavit of Jeffrey Rosenberg sworn July 13, 2023, and the Affidavit of Maria Konyukhova, sworn July 13, 2023, attached as Appendix D to the Second 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 3*, 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 03 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

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<p><b>Stewart McKelvey</b> Queen's Marque 600-1741 Lower Water Street Halifax, NS B3J 0J2 <i>NS Counsel to the Applicants</i></p>	<p><b>M<sup>tre</sup> Sara L. Scott</b> Tel : 514.397.4274 E-mail : sscott@stewartmckelvey.com</p>
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<p><b>Ropes &amp; Gray LLP</b> 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><b>M<sup>tre</sup> Cristine Schwarzman</b> Tel: 212.596.9635 E-mail : Cristine.Schwarzman@ropesgray.com</p> <p><b>M<sup>tre</sup> Patricia I. Chen</b> Tel : 617.951.7553 E-mail: patricia.chen@ropesgray.com</p>



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