



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:

Party

Counsel

Applicants

**McCarthy Tétrault LLP**

Alain N. Tardif

Gabriel Faure

François Alexandre Toupin

**Stewart McKelvey Lawyers**

Sara L. Scott

Monitor, FTI

**Stikeman Elliott LLP**

Consulting Canada Inc.

Maria Konyukhova

Natasha Rambaran

Horizon Technology Finance Corporation, as agent

**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 17<sup>th</sup>, 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**

## 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
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