

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
(Returnable November 29, 2023)**

To: THE SERVICE LIST ATTACHED AT SCHEDULE “A”

Motion¹

FTI Consulting Canada Inc. (“**FTI**”) in its capacity as Monitor (the “**Monitor**”) of IMV Inc., Immunovaccine Technologies Inc. and IMV USA Inc., moves for an order, among other things:

1. approving the Seventh Report of the Monitor dated November 23, 2023 (the “**Seventh Report**”), the activities of the Monitor referred to therein, as well as: (a) the fees and disbursements of the Monitor and its counsel, Stikeman Elliott LLP, as set out in the Fee Affidavits, that have been incurred; and (b) the Remaining Fees and Disbursements;
2. terminating the CCAA Proceedings upon the filing of the Monitor’s Termination Certificate;
3. terminating the Charges;
4. discharging FTI as Monitor of the Applicants at the CCAA Termination Time;
5. granting a release to the Monitor and its counsel;

¹ Capitalized terms used herein and not otherwise defined have the meanings given to them in the Seventh Report of the Monitor dated November 23, 2023.

6. authorizing the Applicants or the Monitor, in their discretion or at the discretion of the Monitor, to make an assignment in bankruptcy pursuant to the *Bankruptcy and Insolvency Act* (Canada) (the “**BIA**”) before the CCAA Termination Time;
7. authorizing but not obligating FTI to act as Trustee for each of the Applicants;
8. authorizing, directing and empowering FTI to hold and distribute any assets of the Applicants including any future assets, which assets shall not constitute property of the Applicants following any assignment in bankruptcy and shall not vest in the Trustee;
9. authorizing the Trustee to administer the bankruptcy estates as if such estates were in respect of a single bankrupt for the purposes of carrying out its duties and responsibilities as trustee under the BIA;
10. authorizing and directing the Monitor to transfer \$40,000 to the Trustee for the fees and disbursements of the Trustee and its counsel (plus applicable taxes), and authorizing and directing the Trustee to pay any available remainder from such retainer to Horizon; and
11. extending the Stay Period to the earlier of: (a) the CCAA Termination Time; and (b) such other date as this Court may order.

Time and place

The motion is to be heard by a judge at 1:00 p.m. (Halifax time) on Wednesday, November 29, 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 a half day or less in chambers. The moving party acknowledges that the motion will not require more time.

References

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

1. the provisions of the *Companies’ Creditors Arrangement Act* (Canada), including sections 11, 11.02, and 18.6; and
2. the provisions of the *Civil Procedure Rules* (Nova Scotia), including Rules 2.03 and 23.

Evidence

The evidence in support of the motion is as follows:

1. the Sixth Report of the Monitor dated October 20, 2023, filed; and
2. the Seventh Report, filed with this Notice of Motion;
3. such further and other evidence as the moving party may advise and this Honourable Court may permit.

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 November 23, 2023



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**SCHEDULE A
[ATTACHED]**

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

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