

**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. 8**

**ORDER (A) SCHEDULING HEARING ON RECOGNITION OF CHAPTER 15
HEARING AND (B) SPECIFYING FORM AND MANNER OF SERVICE OF NOTICE**

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), 1514, and 1515 of the Bankruptcy Code, Bankruptcy Rules 2002 and 9007, and Local Rule 2002-1(b), (a) scheduling a hearing to consider the recognition of the Canadian Proceedings as foreign main proceedings under Chapter 15 of the Bankruptcy Code and the relief requested in the Verified Petition (the “Recognition Hearing”) and (b) approving the form and manner of service of notice, substantially in the form annexed to this Order as of notice, substantially in the form annexed to this Order as **Exhibit 1**, of certain Chapter 15 filings and the Recognition Hearing (the “Recognition Hearing Notice”); and the Court having found that (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012, (b) this is a core proceeding pursuant to 28

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.

U.S.C. § 157(b)(2)(P), (c) venue is proper in this district pursuant to 28 U.S.C. § 1410, (d) the Chapter 15 Cases have been properly commenced by the duly appointed Foreign Representative, and (e) due and sufficient notice of the Motion has been given and no other or further notice need be provided; and upon consideration of the Hall Declaration; and it appearing that the relief requested in the Motion is in the best interest of the Debtors and other parties in interest in these chapter 15 cases; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Recognition Hearing is scheduled for June 5, 2023 at 1:00 p.m. (ET).
3. The date and time of the Recognition Hearing may be adjourned or continued to a subsequent date without further notice except for an “in court” announcement at the Recognition Hearing or a filing on the docket of the above-captioned chapter 15 cases of the date and time to which the Recognition Hearing has been adjourned.
4. The Recognition Hearing Notice in the form attached to this Order as **Exhibit 1** is approved.
5. The Foreign Representative will serve, or cause to be served, copies of the Recognition Hearing Notice and the Chapter 15 Documents by hand delivery, overnight courier, or domestic or foreign mail, first-class postage prepaid or, for entities with addresses that are not in the United States, by electronic mail, upon the following entities or their counsel, if known (collectively, the “Notice Parties”): (a) the Debtors; (b) all persons or bodies authorized to administer foreign proceedings of the Debtors, including the Monitor; (c) all parties to litigation pending in the United States in which a Debtor is a party at the time of the filing of the Chapter 15 Petitions, if any; (d) all parties against whom provisional relief is being sought under section 1519 of the Bankruptcy Code, including all known creditors and contract counterparties of the Debtors in the United States;

(e) parties that have appeared in the Canadian Proceeding as of the date of service of the relevant pleading; (f) the Office of the United States Trustee for the District of Delaware; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002, no later than two (2) business days after entry of this Order.

6. If any entity files a notice of appearance in these chapter 15 cases after the initial service of the Recognition Hearing Notice, the Foreign Representative will serve, or cause to be served, the Chapter 15 Documents and any subsequent, relevant notices upon such entity no later than five (5) days after the filing of such notice of appearance, if such documents have not been already served on such entity (or its counsel).

7. Any subsequent notice, motion, or other pleading filed in the chapter 15 cases will be served on the Foreign Representative, the Notice Parties, and any other entity that files a notice of appearance in these chapter 15 cases, unless otherwise directed by the Court, in accordance with Bankruptcy Rule 2002(q) or as otherwise required by the Bankruptcy Code, Bankruptcy Rules, Local Rules, or any order entered in the chapter 15 cases by the Court.

8. Service of the Recognition Hearing Notice and the Chapter 15 Documents, in accordance with this Order is approved as adequate, due, and sufficient on all interested parties under the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

9. Prior to serving the Recognition Hearing Notice, the Foreign Representative may complete any missing dates and other information, correct any typographical errors, conform the provisions regarding the Recognition Hearing Notice to the provisions of this Order, and make such other and further non-substantive changes as the Foreign Representative deems necessary or appropriate.

10. Any responses, answers, or objections to the Chapter 15 Petitions, the Verified Petition, the requested recognition of the Canadian Proceeding as a foreign main proceeding, related relief, or other papers filed in connection therewith must: (a) be in writing, (b) set forth in detail the factual and legal bases therefor, (c) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, (d) be filed with the Office of the Clerk of the Court, 824 Market Street, Third Floor, Wilmington, Delaware 19801, and (e) be served upon counsel for the Foreign Representative—Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware 19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com)—so as to be received on or before May 30, 2023 at 4:00 p.m. (ET).

11. The requirements of section 1514(c) of the Bankruptcy Code are waived or otherwise deemed inapplicable to these chapter 15 cases.

12. The Foreign Representative is authorized to take all actions necessary to effectuate the relief granted by this Order.

13. The Bankruptcy Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

14. Notwithstanding any applicability of any Bankruptcy Rules or Local Rules, the terms and conditions of this order shall be immediately effective and enforceable upon its entry and shall constitute a final order within the meaning of 28 U.S.C. § 158(a).

Dated: May 9th, 2023
Wilmington, Delaware

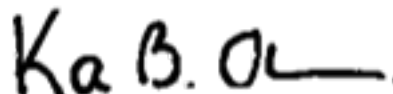

KAREN B. OWENS
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Form of Recognition Hearing Notice

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)

NOTICE OF (A) FILING CHAPTER 15 PETITIONS AND RELATED CHAPTER 15 DOCUMENTS SEEKING RECOGNITION OF CANADIAN PROCEEDING AS FOREIGN MAIN PROCEEDING AND (B) RECOGNITION HEARING

PLEASE TAKE NOTICE that on May 8, 2023, IMV Inc., in its capacity as the duly-appointed foreign representative (“IMV” or the “Foreign Representative”) with respect to the foreign proceedings, file Hfx No. 523334 (the “Canadian Proceeding”), commenced by the above-captioned debtors (collectively, the “Debtors”) in the Supreme Court of Nova Scotia (the “Canadian Court”) for which an order was entered recognizing their application on May 1, 2023, pursuant to the Companies’ Creditors Arrangement Act, R.S.C. 1985, c. C-36 (as amended, the “CCAA”), filed an Official Form 401 Petition for each of the Debtors [D.I. 1 in each of the debtors’ respective chapter 15 cases] (collectively, the “Chapter 15 Petitions”) under chapter 15 of title 11 of the United States Code (the “Bankruptcy Code”) commencing these proceedings ancillary to the Canadian Proceeding, and also the *Verified Petition for (I) Recognition of Foreign Main Proceeding, (II) Recognition of Foreign Representative, (III) Recognition of Amended and Restated Initial Order, and (IV) Related Relief under Chapter 15 of the Bankruptcy Code* [D.I. 4] (the “Verified Petition”) seeking recognition of the Canadian Proceeding as a foreign main proceeding within the meaning of chapter 15 of the Bankruptcy Code. A true and correct copy of the Chapter 15 Petitions and the Verified Petition (along with the proposed order granting the relief requested therein including, among other things, recognition of the Canadian Proceeding as a foreign main proceeding) are attached to this Notice as **Exhibit I** and **Exhibit II**, respectively.

PLEASE TAKE FURTHER NOTICE that copies of the Chapter 15 Petitions and related filings in these chapter 15 cases are also available (a) on the Bankruptcy Court’s Electronic Case Filing System, which can be accessed from the Bankruptcy Court’s website at <http://www.ecf.deb.uscourts.gov> (a PACER login and password are required) or (b) upon written request (including by email) to counsel to the Foreign Representative, Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware

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.

19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com).

PLEASE TAKE FURTHER NOTICE that on May 9, 2023, the Bankruptcy Court entered the *Order Granting Provisional Relief* [D.I. 15] (the “Provisional Relief Order”), granting provisional, injunctive, and related relief, including, but not limited to, granting recognition and giving effect in the United States to the Amended and Restated Initial Order entered in the Canadian Proceeding. A true and correct copy of the Provisional Relief Order, is attached to this Notice as **Exhibit III**.

PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court scheduled a hearing for June 5, 2023 at 1:00 p.m. (ET) before the Honorable Karen B. Owens (the “Recognition Hearing”) on the Chapter 15 Petitions and Verified Petition to consider the recognition of the Canadian Proceeding as a foreign main proceeding and give full force and effect to orders entered in the Canadian Proceeding and related relief in accordance with the relief requested in the Verified Petition.

PLEASE TAKE FURTHER NOTICE that any party in interest wishing to submit a response, answer, or objection to the Chapter 15 Petitions or the Verified Petition must do so pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and such response, answer, or objection must (a) be in writing, (b) set forth in detail the factual and legal bases therefor, (c) be filed with the Office of the Clerk of the Court, 824 Market Street, Wilmington, Delaware 19801, and (d) be served upon counsel for the Foreign Representative—Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware 19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com)—so as to be received **on or before May 30, 2023 at 4:00 p.m. (ET)**.

PLEASE TAKE FURTHER NOTICE that all parties in interest opposed to the Chapter 15 Petition or the Foreign Representative’s request for relief in the Verified Petition must appear at the Recognition Hearing at the time and place set forth herein, which may be adjourned from time to time without further notice except for an “in court” announcement at the Recognition Hearing or a filing on the docket of these chapter 15 cases of the date and time to which the Recognition Hearing has been adjourned.

PLEASE TAKE FURTHER NOTICE that unless later ordered by the Bankruptcy Court, any claims process for the Debtors will occur as part of the Canadian Proceeding and not in connection with these chapter 15 cases.

PLEASE TAKE FURTHER NOTICE THAT IF NO RESPONSES OR OBJECTIONS ARE RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED BY THE FOREIGN REPRESENTATIVE WITHOUT FURTHER NOTICE OR HEARING.

Dated: May __, 2023
Wilmington, Delaware

/s/

TROUTMAN PEPPER HAMILTON SANDERS LLP

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