

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

In re:

INVIVO THERAPEUTICS CORPORATION, *et*
al.,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. 9

**INTERIM ORDER GRANTING MOTION OF THE DEBTORS FOR ENTRY OF
AN ORDER AUTHORIZING THE DEBTOR TO PAY PREPETITION WAGES,
COMPENSATION, EMPLOYEE BENEFITS, AND OTHER
ASSOCIATED OBLIGATIONS**

Upon the *Motion of the Debtors for Entry of Interim and Final Orders Authorizing the Debtors to Pay Prepetition Wages, Compensation, Employee Benefits, and Other Associated Obligations* (the “Motion”)² and upon the First Day Declaration; and it appearing that this Court 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 February 29, 2012; and it appearing that the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and it appearing that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that sufficient notice of the Motion has been given; and it appearing that the relief requested by the Motion is in the best interests of the Debtors’ estates; and good and sufficient cause appearing therefor;

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors’ mailing address is 1500 District Avenue, Burlington, MA 01803.

² Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Motion.



IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on an interim basis as set forth herein.
2. The final hearing (the “Final Hearing”) on the Motion will be held on February 27, 2024, at 2:00 p.m. (prevailing Eastern Time). Any objections or responses to entry of a final order on the Motion must be filed on or before 4:00 p.m. (prevailing Eastern Time) on February 19, 2024, and served on the following parties: (i) the Office of the United States Trustee for the District of Delaware, Attn: Joseph Cudia, Esq., (joseph.cudia@usdoj.gov), J. Caleb Boggs Federal Building, 844 North King Street, Suite 2207, Wilmington, Delaware 19801; (ii) Landis Rath & Cobb LLP, 919 Market Street, Suite 1800, Wilmington, Delaware 19801, Attn: Matthew B. McGuire, Esq. (mcguire@lrclaw.com) and Joshua B. Brooks, Esq. (brooks@lrclaw.com); and (iii) counsel to any statutory committee appointed in these chapter 11 cases. In the event no objections to entry of a final order on the Motion are timely received, this Court may enter such final order without need for the Final Hearing.
3. The Debtors are authorized, except to the extent provided in the paragraphs below, to continue to honor, in their discretion, in the ordinary course of business, the Employee Obligations; provided, however, that the Debtors shall seek court approval, upon a motion on notice, of any modification that would implicate any portion of section 503(c) of the Bankruptcy Code.
4. The Debtors are authorized, in their discretion, to pay and remit in the ordinary course of business and in accordance with the Debtors’ prepetition Employee Obligations set forth in the Motion, in an amount not to exceed \$64,400.00 in the aggregate.
5. The Debtors shall not pay any Employee or Independent Contractor (or make payments on behalf of any Employee or Independent Contractor) in excess of the statutory caps

set forth in Bankruptcy Code sections 507(a)(4) and 507(a)(5) on account of any prepetition obligation to such Employee or Independent Contractor.

6. The Debtors are authorized, but not directed, to continue the Employee Benefit Plans in the ordinary course of business on a postpetition basis, in accordance with the Debtors' prepetition practices, policies and programs and in the Debtors' discretion, and to pay and honor Employee Obligations related thereto.

7. The Debtors are authorized, but not directed, to pay all postpetition costs and expenses incidental to payment of the obligations described above, including all administrative and processing costs and payments to outside professionals identified in the Motion in the ordinary course of business, such as any payroll processing expenses.

8. Notwithstanding anything to the contrary herein or in the Motion, nothing herein authorizes the Debtors to pay any amounts or make any transfers under this Interim Order that may implicate the provisions of Bankruptcy Code section 503(c); provided, however, that nothing herein shall impair or otherwise affect any of the Debtors' rights to seek relief under Bankruptcy Code section 503(c) or otherwise in the future.

9. The relief granted herein shall not constitute or be deemed to be an assumption or an authorization to assume, pursuant to Bankruptcy Code section 365, any executory contract or unexpired lease to which the Debtors are a party and all such rights are hereby expressly reserved.

10. All applicable banks and other financial institutions are hereby authorized to receive, process, honor, and pay any and all checks and funds transfers evidencing amounts paid by the Debtors pursuant to the Motion, whether presented or issued prior to or after the Petition Date. Such banks and financial institutions are authorized to rely on the representations of the Debtors as to which checks are issued or authorized to be paid pursuant to this Order.

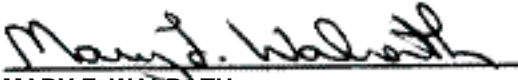
11. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Interim Order in accordance with the Motion.

12. Bankruptcy Rule 6003 has been satisfied.

13. Notwithstanding the possible applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Interim Order shall be immediately effective and enforceable upon its entry.

14. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Interim Order.

Dated: February 6th, 2024
Wilmington, Delaware


MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE