

**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)

NOTICE OF AGENDA FOR HEARING SCHEDULED FOR FEBRUARY 27, 2024, AT 10:00 A.M. (ET), BEFORE THE HONORABLE MARY F. WALRATH AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

****AS NO MATTERS ARE GOING FORWARD, THIS HEARING HAS BEEN CANCELLED WITH PERMISSION FROM THE COURT****

RESOLVED MATTERS

1. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Certain Prepetition Tax and Fee Obligations and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 6, filed on February 1, 2024]

Responses Received: None

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Tax and Fee Obligations and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 30, entered on February 6, 2024]
- B. Certificate of No Objection [D.I. 72, filed on February 21, 2024]
- C. Final Order (I) Authorizing the Debtors to Pay Certain Prepetition Tax and Fee Obligations and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 82, entered on February 22, 2024]

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.



Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

2. Motion of the Debtors for Entry of an Order (A) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (B) Authorizing the Continued Use of Existing Cash Management System, and (C) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b) [D.I. 8, filed on February 1, 2024]

Responses Received:

- A. Informal comments received from the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee")

Related Documents:

- B. Interim Order (A) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (B) Authorizing the Continued Use of Existing Cash Management System, and (C) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b) [D.I. 32, entered on February 6, 2024]
- C. Certificate of No Objection [D.I. 71, filed on February 21, 2024]
- D. Final Order (A) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (B) Authorizing the Continued Use of Existing Cash Management System, and (C) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b) [D.I. 81, entered on February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

3. 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 [D.I. 9, filed on February 1, 2024]

Responses Received: None

Related Documents:

- A. Interim Order Granting 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 [D.I. 33, entered on February 6, 2024]
- B. Certificate of Counsel [D.I. 71, filed on February 21, 2024]

- C. Final Order Granting 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 [D.I. 80, entered on February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

4. Motion of the Debtors for Entry of an Order Authorizing the Assumption of Lease Termination and Settlement Agreement with ARE-MA Region No. 59, LLC Pursuant to Bankruptcy Code Section 365 [D.I. 17, filed on February 1, 2024]

Related Documents:

- A. Certificate of No Objection [D.I. 64, filed on February 16, 2024]
- B. Order Authorizing Assumption of Lease Termination and Settlement Agreement with ARE-MA Region No. 59, LLC Pursuant to Bankruptcy Code Section 365 [D.I. 67, entered February 20, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

5. Motion of the Debtors for Entry of Orders: (A)(I) Approving Bid Procedures Relating to the Sale of Substantially All of the Debtors' Assets, (II) Approving Stalking Horse Bid Protections, (III) Scheduling a Hearing to Consider the Sale, (IV) Approving the Form and Manner of Notice of Sale by Auction, (V) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, and (VI) Granting Related Relief; and (B)(I) Approving Asset Purchase Agreement and Authorizing the Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests, (III) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [D.I. 18, filed on February 1, 2024]

Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- B. Certification of Counsel [D.I. 69, filed on February 21, 2024]
- C. Order: (A) Approving Bid Procedures Relating to the Sale of Substantially All of the Debtors' Assets, (B) Approving Stalking Horse Bid Protections, (C) Scheduling a Hearing to Consider the Sale, (D) Approving the Form and Manner of Notice of Sale by Auction, (E) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, and (F) Granting Related Relief [D.I. 79, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

6. Application of the Debtors to Approve the Employment and Retention of Landis Rath & Cobb LLP as Counsel, *Nunc Pro Tunc* to the Petition Date, Pursuant to Bankruptcy Code Section 327(a), Bankruptcy Rules 2014 and 2016 and Local Rule 2014-1 [D.I. 34, filed on February 6, 2024]

Responses Received: None

Related Documents:

- A. Certificate of No Objection [D.I. 73, filed on February 21, 2024]
- B. Order Authorizing the Employment and Retention of Landis Rath & Cobb LLP as Counsel, *Nunc Pro Tunc* to the Petition Date, Pursuant to Bankruptcy Code Section 327(A), Bankruptcy Rules 2014 and 2016 and Local Rule 2014-1 [D.I. 83, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

7. Debtors' Application for Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [D.I. 35, filed on February 6, 2024]

Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- B. Supplemental Declaration of Evan Gershbein in Support of the Debtors' Application for Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [D.I. 74, filed February 21, 2024]
- C. Certification of Counsel [D.I. 75, filed on February 21, 2024]
- D. Order Authorizing the Debtors to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date [D.I. 84, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

8. Debtors' Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [D.I. 36, filed on February 6, 2024]

Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- B. Certification of Counsel [D.I. 76, filed on February 21, 2024]
- C. Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [D.I. 85, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

9. Debtors' Application for Entry of an Order Authorizing the Employment and Retention of Sonoran Capital Advisors, LLC as Financial Advisor to the Debtors, Effective as of the Petition Date [D.I. 37, filed on February 6, 2024]

Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- B. Certification of Counsel [D.I. 77, filed on February 21, 2024]
- C. Order Authorizing the Employment and Retention of Sonoran Capital Advisors, LLC as Financial Advisor to the Debtors, Effective as of the Petition Date [D.I. 86, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

10. Application of the Debtors for Entry of an Order Authorizing the Employment and Retention of SSG Advisors, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date and a Waiver of Compliance with Certain of the Requirements of Local Rule 2016-2 [D.I. 38, filed on February 6, 2024]

Responses Received:

- A. Informal comments received from the U.S. Trustee

Related Documents:

- B. Certification of Counsel [D.I. 78, filed on February 21, 2024]

C. Order Authorizing the Employment and Retention of SSG Advisors, LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date and a Waiver of Compliance with Certain of the Requirements of Local Rule 2016-2 [D.I. 87, entered February 22, 2024]

Status: The Court entered an order granting the relief requested. Accordingly, a hearing regarding this matter is not required.

Dated: February 22, 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks

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