

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. 246

**NOTICE OF (A) ENTRY OF THE ORDER (I) APPROVING THE DISCLOSURE
STATEMENT ON A FINAL BASIS AND (II) CONFIRMING THE JOINT PLAN OF
LIQUIDATION OF INVIVO THERAPEUTICS CORPORATION AND INVIVO
THERAPEUTICS HOLDINGS CORP.; (B) THE EFFECTIVE DATE THEREOF;
AND (C) CERTAIN DEADLINES**

**TO CREDITORS, HOLDERS OF CLAIMS AND INTERESTS, AND PARTIES IN
INTEREST, PLEASE TAKE NOTICE THAT:**

1. **Confirmation of the Plan.** On June 21, 2024, the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”), entered the *Findings of Fact, Conclusions of Law, and Order (I) Confirming Joint Plan of Liquidation of InVivo Therapeutics Corporation and InVivo Therapeutics Holdings Corp. Pursuant to Chapter 11 of the Bankruptcy Code and (II) Approving the Disclosure Statement on a Final Basis* [D.I. 246] (the “Confirmation Order”) (i) approving on a final basis the *Disclosure Statement for Joint Plan of Liquidation of InVivo Therapeutics Corporation and InVivo Therapeutics Holdings Corp. Pursuant to Chapter 11 of the Bankruptcy Code* [D.I. 169] (as modified, revised, supplemented and amended including all attachments and exhibits thereto, the “Disclosure Statement”); and (ii) confirming the *Joint Plan of Liquidation of InVivo Therapeutics Corporation and InVivo Therapeutics Holdings Corp. Pursuant to Chapter 11 of the Bankruptcy Code* [D.I. 226] (as modified, supplemented and amended including all attachments and exhibits thereto, the “Plan”).²

2. **Effective Date of the Plan.** All conditions precedent to occurrence of the Effective Date of the Plan have been satisfied or waived. The Effective Date of the Plan occurred on July 12, 2024.

3. **Copies of the Plan and the Confirmation Order.** Copies of the Confirmation Order, Disclosure Statement, the Plan, and related documents, are available free of charge at <https://www.veritaglobal.net/invivo>, or for a fee at the Bankruptcy Court’s website at www.deb.uscourts.gov. The Confirmation Order, Disclosure Statement, Plan and related

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 All capitalized terms used herein and not otherwise defined herein shall have the respective meanings ascribed to them in the Plan.



documents also are available for inspection during regular business hours in the office of the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801.

4. **Administrative Claim Bar Date.** Pursuant to Article II.A of the Plan, the deadline for filing proofs of claim or requests for payment of Administrative Claims arising on or after April 1, 2024 through the Effective Date (the “Supplemental Administrative Expense Requests”) is twenty-one (21) days from the date of service of this Notice of Effective Date, which is **August 2, 2024**. All Supplemental Administrative Expense Requests should be submitted to Kurtzman Carson Consultants LLC d/b/a Verita Global (the “Claims Agent”), in accordance with the terms of the Bar Date Order [D.I. 124]. Supplemental Administrative Expense Requests will be deemed timely filed only if **actually received** by the Claims Agent on or before **August 2, 2024 at 4:00 p.m. (prevailing Eastern Time)** (the “Supplemental Administrative Claim Bar Date”). Each Supplemental Administrative Expense Request, including supporting documentation, must be submitted: (i) on or before the Supplemental Administrative Claim Bar Date, by completing the administrative proof of claim form, copies of which can be accessed at the Claims Agent’s website <https://www.veritaglobal.net/invivo>, and clicking on the Tab “File a Claim,” and following the directions given therein; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Claims Agent on or before the applicable Supplemental Administrative Bar Date at the following address:

InVivo Claims Processing Center
c/o Verita Global
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

Supplemental Administrative Expense Requests may **not** be delivered by facsimile, telecopy or electronic mail transmission to the Clerk of the Court or the Debtors.

If you are required to file a Supplemental Administrative Expense Request pursuant to Article II.A of the Plan and fail to do so by the Supplemental Administrative Claims Bar Date, your untimely Supplemental Administrative Expense Claim will not be considered Allowed, and you will not be treated as a creditor for purposes of distributions with respect to such claim, and you shall be entitled to no distribution under the Plan with respect to such claim.

5. **Professional Fee Bar Date.** Pursuant to Article II.A.2 of the Plan, any Professional seeking an award by the Bankruptcy Court of compensation or reimbursement of expenses in accordance with Bankruptcy Code sections 328, 330 or 331 or entitled to priorities established pursuant to Bankruptcy Code sections 503(b)(2), 503(b)(3), 503(b)(4), or 503(b)(5) shall (1) file with the Clerk of the Bankruptcy Court no later than twenty-one (21) days after the Effective Date which is **August 2, 2024 at 4:00 p.m. (prevailing Eastern Time)** (the “Professional Fee Bar Date”), an application, including, without limitation, a final fee application, for such award of compensation or reimbursement; (2) serve a copy thereof, together with exhibits and schedules related thereto, upon: (i) counsel to the Debtors, 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); (ii) the Office of the United States Trustee for the District of Delaware, 844 N. King Street, Suite 2207, Lockbox 35,

Wilmington, Delaware 19801 (Attn: Joseph Cudia, Esq., joseph.cudia@usdoj.gov); and (3) comply with the applicable requirements for such claim.

6. **Rejection Bar Date.** Pursuant to paragraph 15 of the Confirmation Order, on the Effective Date, except as otherwise provided under the Plan, and except to the extent that the Debtors either previously have assumed, assumed and assigned, or rejected an executory contract or unexpired lease by an order of the Bankruptcy Court or have filed a motion to assume or assume and assign an executory contract or unexpired lease prior to the Effective Date, or a Buyer has been assumed and assigned an executory contract or unexpired lease pursuant to the terms of an Asset Purchase Agreement, each executory contract and unexpired lease entered into by the Debtors prior to the Petition Date that has not previously expired or terminated pursuant to its own terms shall be deemed rejected pursuant to Bankruptcy Code section 365. Proofs of Claim with respect to Claims arising from the rejection of Executory Contracts or Unexpired Leases, if any, must be Filed with the Bankruptcy Court (via the Claims Agent) no later than (i) any deadline established for creditors holding General Unsecured Claims to file proofs of claim against the Debtors; (ii) thirty (30) days after the date of an order of the Bankruptcy Court approving such rejection; and (iii) specifically for those claims created by the rejection of contracts by means of the Plan, twenty-one (21) days after the Effective Date (the “**Rejection Claims**”). All such Rejection Claims should be submitted to the Claims Agent, in accordance with the terms of the Bar Date Order [D.I. 124]. Rejection Claims will be deemed timely filed only if **actually received** by the Claims Agent on or before **August 2, 2024 at 4:00 p.m. (prevailing Eastern Time)** (the “**Rejection Bar Date**”). Each Rejection Claim, including supporting documentation, must be submitted: (i) on or before the Rejection Claim Bar Date, by completing the proof of claim form, copies of which can be accessed at the Claims Agent’s website <https://www.veritaglobal.net/invivo>, and clicking on the Tab “File a Claim,” and following the directions given therein; or (ii) by United States mail or other hand delivery system, so as to be **actually received** by the Claims Agent on or before the Rejection Bar Date at the following address:

InVivo Claims Processing Center
c/o Verita Global
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

Rejection Claims may **not** be delivered by facsimile, telecopy or electronic mail transmission to the Clerk of the Court or the Debtors. Absent order of the Court to the contrary, any Rejection Claims not Filed by the applicable deadline will not be considered Allowed and such person or entity shall not be treated as a creditor for purposes of distributions under the Plan with respect to such claim.

7. **Binding Nature of Plan.** The Plan and its provisions are binding on the Debtors and any holder of a Claim against, or Interest in, the Debtors, and such holder’s respective successors and assigns, whether or not the Claim or Interest of such holder is impaired by the Plan and whether or not such holder voted to accept or reject the Plan.

Dated: July 12, 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks

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