

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

Hearing Date: September 10, 2024 at 10:30 a.m. (ET)  
Objection Deadline: August 23, 2024 at 4:00 p.m. (ET)

**SUMMARY OF COMBINED SIXTH MONTHLY AND FINAL APPLICATION  
OF WILMER CUTLER PICKERING HALE AND DORR LLP, SPECIAL  
CORPORATE COUNSEL TO THE DEBTORS AND DEBTORS-IN-  
POSSESSION, FOR COMPENSATION AND REIMBURSEMENT OF  
EXPENSES PURSUANT TO 11 U.S.C. §§ 330 AND 331**

Name of Applicant: Wilmer Cutler Pickering Hale and Dorr LLP

Authorized to Provide Professional  
Services to: Debtors and Debtors-In-Possession

Date of Retention: March 4, 2024 effective *nunc pro tunc* to  
February 1, 2024

Period for which monthly compensation  
and reimbursement sought: July 1, 2024 through July 12, 2024

Amount of monthly fees to be approved as  
actual, reasonable and necessary: \$5,642.87<sup>2</sup> (80% of which equals \$4,514.30)

Amount of monthly expenses sought as  
actual, reasonable and necessary: \$0.00

Period for which final compensation and  
reimbursement sought: February 1, 2024 through July 12, 2024

Amount of final fees to be approved as  
actual, reasonable and necessary: \$147,902.56<sup>3</sup>

Amount of final expenses to be approved  
as actual, reasonable and necessary: \$0.00

This is a:   x   monthly        interim   x   final application

<sup>1</sup> 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.

<sup>2</sup> This amount reflects a 12.5% discount in the amount of \$806.13.

<sup>3</sup> This amount reflects a 12.5% discount in the aggregate amount of \$21



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**SUMMARY OF MONTHLY AND INTERIM FEE APPLICATIONS**

<b>Fee Application, Date Filed, Period Covered, Docket No.</b>	<b>Total Fees Requested</b>	<b>Total Expenses Requested</b>	<b>CNO / Order File Date, Docket No.</b>	<b>Amount of Fees Approved</b>	<b>Amount of Expenses Approved</b>
First Monthly 3/14/2024 2/1/2024 – 2/29/2024 [D.I. 111]	\$61,304.25 <sup>1</sup>	\$0.00	3/29/2024 [D.I. 131]	\$61,304.25	\$0.00
Second Monthly 4/12/2024 3/1/2024 – 3/31/2024 [D.I. 147]	\$21,980.44 <sup>2</sup>	\$0.00	4/29/2024 [D.I. 167]	\$21,980.44	\$0.00
Third Monthly 5/14/2024 4/1/2024 – 4/30/2024 [D.I. 185]	\$24,398.94 <sup>3</sup>	\$0.00	5/29/2024 [D.I. 198]	\$24,398.94	\$0.00
<b>First Interim 5/29/2024 2/1/2024 – 4/30/2024 [D.I. 200]</b>	<b>\$107,683.63<sup>4</sup></b>	<b>\$0.00</b>	<b>7/11/2024 [D.I. 265]</b>	<b>\$107,683.63<sup>5</sup></b>	<b>\$0.00</b>

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<sup>1</sup> This amount reflects a 12.5% discount in the amount of \$8,757.75.

<sup>2</sup> This amount reflects a 12.5% discount in the amount of \$3,140.06.

<sup>3</sup> This amount reflects a 12.5% discount in the amount of \$3,485.56.

<sup>4</sup> This amount reflects a 12.5% discount in the aggregate amount of \$15,383.37.

<sup>5</sup> This amount includes the 20% holdback of fees for the first interim fee period in the aggregate amount of \$21,536.73.

<b>Fee Application, Date Filed, Period Covered, Docket No.</b>	<b>Total Fees Requested</b>	<b>Total Expenses Requested</b>	<b>CNO / Order File Date, Docket No.</b>	<b>Amount of Fees Approved</b>	<b>Amount of Expenses Approved</b>
Fourth Monthly 6/14/2024 5/1/2024 – 5/31/2024 [D.I. 221]	\$11,561.81 <sup>6</sup>	\$0.00	7/1/2024 [D.I. 254]	\$9,249.45	\$0.00
Fifth Monthly 7/11/2024 6/1/2024 – 6/30/2024 [D.I. 266]	\$23,014.25 <sup>7</sup>	\$0.00	<i>pending</i>	<i>pending</i> <sup>8</sup>	\$0.00
Sixth Monthly and Final 7/1/2024 – 7/12/2024	\$5,642.87 <sup>9</sup>	\$0.00	<i>pending</i>	<i>pending</i> <sup>10</sup>	\$0.00
<b>TOTAL</b>	<b>\$147,902.56<sup>11</sup></b>	<b>\$0.00</b>		<b>\$116,933.08<sup>12</sup></b>	<b>\$0.00</b>

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<sup>6</sup> This amount reflects a 12.5% discount in the amount of \$1,651.69.

<sup>7</sup> This amount reflects a 12.5% discount in the amount of \$3,287.75.

<sup>8</sup> The deadline to file objections to the Fifth Monthly Fee Application is July 25, 2024 at 4:00 p.m. (ET).

<sup>9</sup> This amount reflects a 12.5% discount in the amount of \$806.13.

<sup>10</sup> The deadline to file objections to the Sixth Monthly Fee Application is August 23, 2024 at 4:00 p.m. (ET).

<sup>11</sup> This amount reflects a 12.5% discount in the aggregate amount of \$21,128.94.

<sup>12</sup> This amount includes the 20% holdback of fees for the first interim fee period in the aggregate amount of \$21,536.73.

**MONTHLY COMPENSATION BY PROFESSIONAL**

<b>Name of Professional</b>	<b>Position; Year of Admission (if applicable); Practice Group</b>	<b>Hourly Billing Rate<sup>1</sup></b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
George W. Shuster, Jr.	Partner; admitted to MA Bar since 2001 and NY Bar since 2010; Bankruptcy & Financial Restructuring	1,795.00	1.20	\$2,154.00
<b>Partner Total</b>			<b>1.20</b>	<b>\$2,154.00</b>
Lauren Lifland	Counsel; admitted to NY Bar since 2012; Bankruptcy & Financial Restructuring	1,360.00	0.60	\$816.00
<b>Counsel Total</b>			<b>0.60</b>	<b>\$816.00</b>
Yolande Thompson	Senior Paralegal; Bankruptcy & Financial Restructuring	710.00	4.90	\$3,479.00
<b>Paraprofessional Total</b>			<b>4.90</b>	<b>\$3,479.00</b>
<b>TOTAL</b>			<b>6.70</b>	<b>\$6,449.00</b>
<b>Less 12.5% Discount</b>				<b>-\$806.13</b>
<b>GRAND TOTAL</b>			<b>6.70</b>	<b>\$5,642.87</b>

**Blended Hourly Rate: \$962.54**

**MONTHLY COMPENSATION BY PROJECT CATEGORY**

<b>Project Category</b>	<b>Total Hours</b>	<b>Total Fees</b>
B110 - Case Administration	0.50	\$355.00
B130 - Asset Disposition	1.20	\$2,154.00
B160 - Fee/Employment Applications	5.00	\$3,940.00
<b>TOTAL</b>	<b>6.70</b>	<b>\$6,449.00</b>
<b>Less 12.5% Discount</b>		<b>-\$806.13</b>
<b>GRAND TOTAL</b>	<b>6.70</b>	<b>\$5,642.87</b>

<sup>1</sup> WilmerHale's billing rates remained the same during the Monthly Application Period (defined below).

**FINAL COMPENSATION BY PROFESSIONAL**

<b>Name of Professional</b>	<b>Position; Year of Admission (if applicable); Practice Group</b>	<b>Hourly Billing Rate<sup>1</sup></b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
George W. Shuster, Jr.	Partner; admitted to MA Bar since 2001 and NY Bar since 2010; Bankruptcy & Financial Restructuring	1,795.00	36.20	\$64,979.00
Benjamin Loveland	Partner; admitted to MA Bar and RI Bar since 2007; BFR	1,650.00	0.30	\$495.00
Jonathan Wolfman	Partner; admitted to MA Bar since 1989; Corporate	1,610.00	0.20	\$322.00
Rosemary G. Reilly	Partner; admitted to NY Bar since 1995, CA Bar since 1997 and MA Bar since 2005; Corporate	1,535.00	4.90	\$7,521.50
Lauren Lifland	Counsel; admitted to NY Bar since 2012; Bankruptcy & Financial Restructuring	1,360.00	29.40	\$39,984.00
Hilary Baker-Jennings	Counsel; admitted to MA Bar since 2016; Corporate	1,270.00	0.30	\$381.00
Austin M. Chavez	Associate; admitted to TX Bar since 2022 and NY Bar since 2023; Bankruptcy & Financial Restructuring	1,015.00	15.60	\$15,834.00
Helen Park	Associate; admitted to MA Bar since 2022; Corporate	865.00	0.60	\$519.00
Yolande Thompson	Senior Paralegal; Bankruptcy & Financial Restructuring	710.00	54.40	\$38,624.00
Cynthia M. Sullivan	Senior Paralegal; Corporate	620.00	0.60	\$372.00
<b>TOTAL</b>			<b>142.50</b>	<b>\$169,031.50</b>
<b>Less 12.5% Discount</b>				<b>-\$21,128.94</b>
<b>GRAND TOTAL</b>			<b>142.50</b>	<b>\$147,902.56</b>

**Blended Hourly Rate: \$1,186.19**


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<sup>1</sup> WilmerHale's billing rates remained the same during the Final Application Period (defined below).

**FINAL COMPENSATION BY PROJECT CATEGORY**

<b>Project Category</b>	<b>Total Hours</b>	<b>Total Fees</b>
B110 - Case Administration	6.50	\$10,503.00
B130 - Asset Disposition	13.70	\$24,478.50
B150 - Meetings of and Communications with Creditors	4.60	\$7,537.00
B160 - Fee/Employment Applications	92.10	\$87,877.50
B185 - Assumption/Rejection of Leases and Contracts	1.90	\$2,101.00
B210 - Business Operations	13.70	\$20,494.00
B220 - Employee Benefits/Pensions	0.80	\$1,436.00
B260 - Board of Directors Matters	3.50	\$6,282.50
B310 - Claims Administration and Objections	0.30	\$408.00
B320 - Plan and Disclosure Statement (including Business Plan)	5.40	\$7,914.00
<b>TOTAL</b>	<b>142.50</b>	<b>\$169,031.50</b>
<b>Less 12.5% Discount</b>		<b>-\$21,128.94</b>
<b>GRAND TOTAL</b>	<b>142.50</b>	<b>\$147,902.56</b>

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

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

**Hearing Date: September 10, 2024 at 10:30 a.m. (ET)**  
**Objection Deadline: August 23, 2024 at 4:00 p.m. (ET)**

**COMBINED SIXTH MONTHLY AND FINAL APPLICATION OF WILMER CUTLER  
PICKERING HALE AND DORR LLP, SPECIAL CORPORATE COUNSEL TO THE  
DEBTORS AND DEBTORS-IN-POSSESSION, FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES PURSUANT TO 11 U.S.C. §§ 330 AND 331**

Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), special corporate counsel to the above-captioned Debtors and Debtors-in-possession (the “Debtors”), submits this *Combined Sixth Monthly and Final Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331* (the “Final Application”). In this Final Application, WilmerHale seeks approval of payment for legal services performed during the period commencing July 1, 2024 through and including July 12, 2024 (the “Monthly Application Period”) and final approval of compensation for legal services performed during the period commencing February 1, 2024 through and including July 12, 2024 (the “Final Application Period”), and together with the Monthly Application Period (the “Application Periods”). In support of this Application, WilmerHale respectfully states as follows:

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<sup>1</sup> 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.

## **JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) has jurisdiction over this Application 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. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (M), and the Bankruptcy Court may enter a final order consistent with Article III of the United States Constitution.<sup>2</sup>

2. The statutory bases for the relief sought herein are sections 105(a), 330 and 331 of chapter 11 of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (as amended or modified, the “Bankruptcy Code”).

## **BACKGROUND**

3. On February 1, 2024 (the “Petition Date”), the Debtors commenced the above-captioned chapter 11 cases (the “Chapter 11 Cases”) by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code [D.I. 1].

4. The Debtors continue to operate their businesses and manage their properties as Debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

5. The factual background relating to the Debtors’ commencement of these Chapter 11 Cases is set forth in detail in the *Declaration of Richard Christopher in Support of the Debtors’ Chapter 11 Petitions and First Day Pleadings* [D.I. 3].

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<sup>2</sup> Pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the Bankruptcy Court (the “Local Rules”), WilmerHale hereby confirms its consent to entry of a final order by the Bankruptcy Court in connection with this Application if it is later determined that the Bankruptcy Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.



6. The Office of the United States Trustee (the “U.S. Trustee”) did not appoint an official committee of unsecured creditors in these Chapter 11 Cases [D.I. 55] and, as of the date of this Final Application, no examiner or statutory committee has been appointed in these Chapter 11 Cases.

7. On February 14, 2024, the *Application of the Debtors and Debtors-In-Possession to Approve the Employment and Retention of Wilmer Cutler Pickering Hale and Dorr LLP as Special Corporate Counsel Nunc Pro Tunc to the Petition Date Pursuant to Bankruptcy Code Sections 327(e) and 328(a), Bankruptcy Rule 2014(a) and Local Rule 2014-1* was filed with the Bankruptcy Court [D.I. 57] (the “Retention Application”).

8. On February 22, 2024, the Bankruptcy Court entered the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals* [D.I. 85] (the “Interim Compensation Order”).

9. On March 4, 2024, the Bankruptcy Court entered the *Order Authorizing the Application of the Debtors and Debtors-In-Possession to Approve the Employment and Retention of Wilmer Cutler Pickering Hale and Dorr LLP as Special Corporate Counsel Nunc Pro Tunc to the Petition Date Pursuant to Bankruptcy Code Sections 327(e) and 328(a), Bankruptcy Rule 2014(a) and Local Rule 2014-1* [D.I. 99].

10. On March 14, 2024, the *First Monthly Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 for the Period from February 1, 2024 through February 29, 2024* [D.I. 111] (the “First Monthly Fee Application”) was filed with the Bankruptcy Court. No objections or other responsive pleadings were filed in response to the First Monthly Fee Application. *See Certificate of No Objection* [D.I. 131].

11. On April 12, 2024, the *Second Monthly Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 for the Period from March 1, 2024 through March 31, 2024* [D.I. 147] (the “Second Monthly Fee Application”) was filed with the Bankruptcy Court. No objections or other responsive pleadings were filed in response to the Second Monthly Fee Application. *See Certificate of No Objection* [D.I. 167].

12. On May 14, 2024, the *Third Monthly Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 for the Period from April 1, 2024 through April 30, 2024* [D.I. 185] (the “Third Monthly Fee Application”) was filed with the Bankruptcy Court. No objections or other responsive pleadings were filed in response to the Third Monthly Fee Application. *See Certificate of No Objection* [D.I. 198].

13. On May 29, 2024, the *First Interim Fee Application of Wilmer Cutler Pickering Hale and Dorr LLP* [D.I. 200] (the “First Interim Fee Application”) was filed with the Bankruptcy Court. No objections or other responsive pleadings were filed in response to the First Interim Fee Application. *See Certification of Counsel* [D.I. 249].

14. On June 14, 2024, the *Fourth Monthly Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 for the Period from May 1, 2024 through May 31, 2024* [D.I. 221] (the “Fourth Monthly Fee Application”) was filed with the Bankruptcy Court. No objections or other responsive pleadings were filed in response to the Fourth Monthly Fee Application. *See Certificate of No Objection* [D.I. 254].

15. On June 21, 2024, 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].

16. On July 11, 2024, the Bankruptcy Court entered the *Order Approving Interim Fee Applications* [D.I. 265], which authorized payment of WilmerHale's interim fees and expenses in the amount and for the period set forth in WilmerHale's First Interim Fee Application.

17. On July 11, 2024, the *Fifth Monthly Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 for the Period from June 1, 2024 through June 30, 2024* [D.I. 266] (the "Fifth Monthly Fee Application") was filed with the Bankruptcy Court. The deadline to file objections to the Fifth Monthly Fee Application is July 25, 2024 at 4:00 p.m. (ET).

18. On July 12, 2024, the Effective Date of the Plan [D.I. 246-1] occurred [D.I. 270].

#### **MONTHLY COMPENSATION REQUESTED**

19. During the Monthly Application Period, attorneys and paraprofessionals of WilmerHale expended a total of **6.70** hours in rendering legal services to the Debtors having a value, exclusive of expenses, of **\$6,449.00**. WilmerHale seeks approval of payment of fees in the amount of **\$5,642.87**<sup>3</sup> for the Monthly Application Period.

20. The services performed by WilmerHale during the Monthly Application Period included, among others, (i) conferring with other advisors to the Debtors and attending to issues related to closing the sale pursuant to the terms set forth in the *Order (I) Approving Asset Purchase*

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<sup>3</sup> This amount reflects a 12.5% discount in the amount of \$806.13.

*Agreement and Authorizing the Sale of Certain Assets of the Debtors Outside the Ordinary Course of Business, (II) 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. 261], and (ii) preparing and coordinating with local counsel to file WilmerHale's Fifth Monthly Fee Application [D.I. 266].

21. A summary of the hours spent, the names of each professional and paraprofessional rendering services to the Debtors during the Monthly Application Period, the regular customary billing rates and the total value of time incurred by each of the WilmerHale professionals rendering services to the Debtors during the Monthly Application Period are attached hereto as **Exhibit A**.

22. A detailed itemization, by project category, of all services performed by WilmerHale during the Monthly Application Period is attached hereto as **Exhibit B**. This detailed itemization complies with Local Rule 2016-2 in that each time entry contains a separate time allotment, a description of the type of activity and the subject matter of the activity, all time is billed in increments of one-tenth (1/10) of an hour, time entries are presented chronologically in categories, and all meetings or hearings are individually identified.

23. WilmerHale did not incur any necessary out of pocket expenses in connection with rendering services to the Debtors during the Monthly Application Period.

24. As set forth below, WilmerHale requests final allowance of compensation for legal services rendered during the Application Periods.

#### **FINAL COMPENSATION REQUESTED**

25. By this Final Application, WilmerHale seeks final approval and allowance of its fees in the amount of **\$147,902.56**<sup>4</sup> (which includes the 20% "holdback" for all prior monthly fee

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<sup>4</sup> This amount reflects a 12.5% discount in the aggregate amount of \$21,128.94.

applications)<sup>5</sup> and reimbursement of actual and necessary expenses in the amount of **\$0.00**. WilmerHale filed and served upon the parties identified in the Interim Compensation Order and the Confirmation Order this Final Application with respect to fees incurred during the Final Application Period.

26. All services and costs for which compensation is requested by WilmerHale in this Final Application were reasonable and necessary and were performed for and on behalf of the Debtors during the Application Periods.

### **LEGAL STANDARD**

27. Bankruptcy Code section 330(a)(1) allows the payment of:

(A) reasonable compensation for actual, necessary services rendered by the trustee, examiner, ombudsman, professional person, or attorney and by any paraprofessional person employed by any such person; and

(B) reimbursement for actual, necessary expenses.

11 U.S.C. § 330(a)(1). Reasonableness of compensation is informed by the “market-driven approach,” which considers the nature, extent and value of services provided by the professional and the cost of comparable services in non-bankruptcy contexts. *See Zolfo Cooper & Co. v. Sunbeam-Oster Co.*, 50 F.3d 253, 258 (3d Cir. 1995), *citing In re Busy Beaver Building Ctr., Inc.*, 19 F.3d 833, 849 (3d Cir. 1994). Thus, the “baseline rule is for firms to receive their customary rates.” *Zolfo Cooper*, 50 F.3d at 259.

28. In accordance with its practices in non-bankruptcy matters, WilmerHale has calculated its compensation requested in this Application by applying its standard hourly rates. WilmerHale’s calculation is based upon hourly rates that are well within the range of rates that are

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<sup>5</sup> Copies of the Monthly Fee Applications may be obtained by written request to the undersigned counsel.

charged by comparable firms in similar bankruptcy cases. Accordingly, WilmerHale's rates should be determined to be reasonable under Bankruptcy Code section 330.

29. WilmerHale's fees incurred during the Final Application Period are also reasonable under the prevailing legal standard and should be allowed. The amount of these fees is not unusual given the complexity, size and the amount of work required at the outset of the Debtors' Chapter 11 Cases. WilmerHale's fees are commensurate with fees that other attorneys of comparable experience and expertise have charged and been awarded in similar chapter 11 cases. Accordingly, WilmerHale's fees are reasonable pursuant to Bankruptcy Code section 330.

30. Bankruptcy Code section 330(a)(1)(B) permits reimbursement for actual and necessary expenses. WilmerHale did not incur any expenses during the Final Application Period.

31. Except as permitted by Bankruptcy Rule 2016, no agreement or understanding exists between WilmerHale and/or any third person for the sharing or division of compensation. All of the services for which compensation is requested in this Application were rendered at the request of and solely on behalf of the Debtors.

32. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount requested by WilmerHale is fair and reasonable given (a) the complexity of this case, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services and (e) the costs of comparable services other than in a case under this title.

#### **CERTIFICATE OF COMPLIANCE AND WAIVER**

33. The undersigned representative of WilmerHale certifies that he has reviewed the requirements of Local Rules 2016-2 and that the Final Application substantially complies with such rule. To the extent that the Final Application does not comply in all respects with the

requirements of Local Rule 2016-2, WilmerHale believes that such deviations are not material and respectfully requests that any such requirements be waived.

**NOTICE AND NO PRIOR REQUEST**

34. Notice of this Final Application has been given to the following parties or, in lieu of, to their counsel, if known: (a) the U.S. Trustee; and (b) all parties required to be given notice in the Interim Compensation Order. WilmerHale submits that no other or further notice is necessary.

35. No prior request for the relief sought in this Final Application has been made to this or any other Court.

WHEREFORE, WilmerHale respectfully requests that the Bankruptcy Court (i) grant the Final Application and (ii) grant such further relief as is just and proper.

Dated: July 24, 2024

**WILMER CUTLER PICKERING  
HALE AND DORR LLP**

/s/ George W. Shuster, Jr.  
George W. Shuster, Jr., Esq.  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
Telephone: (212) 230-8000  
Email: george.shuster@wilmerhale.com

*Special Corporate Counsel to the Debtors and  
Debtors in Possession*

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

In re:

INVIVO THERAPEUTICS CORPORATION,  
*et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Hearing Date: September 10, 2024 at 10:30 a.m. (ET)

Obj. Deadline: August 23, 2024 at 4:00 p.m. (ET)

**NOTICE OF COMBINED SIXTH MONTHLY AND FINAL APPLICATION OF  
WILMER CUTLER PICKERING HALE AND DORR LLP, SPECIAL CORPORATE  
COUNSEL TO THE DEBTORS AND DEBTORS-IN-POSSESSION, FOR  
COMPENSATION AND REIMBURSEMENT OF EXPENSES  
PURSUANT TO 11 U.S.C. §§ 330 AND 331**

TO: Office of the United States Trustee for the District of Delaware.

**PLEASE TAKE NOTICE** that on the date hereof, Landis Rath & Cobb LLP (“LRC”) filed the *Combined Sixth Monthly and Final Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-in-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331* (the “Application”) with the United States Bankruptcy Court for the District of Delaware.

**PLEASE TAKE FURTHER NOTICE** that objections (the “Objections”), if any, to the Application must be made in accordance with the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals* [D.I. 85] (the “Interim Compensation Order”). Objections must be served on the following parties so as to be received no later than **4:00 p.m. ET on August 23, 2024** (the “Objection Deadline”):

- (1) 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);
- (2) Office of the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801, Attn: Joseph Cudia, Esq. (joseph.cudia@usdoj.gov); and
- (3) counsel to any Committee.

**PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE APPLICATION WILL BE HELD ON SEPTEMBER 10, 2024 AT 10:30 A.M. (EASTERN TIME) BEFORE THE HONORABLE MARY F. WALRATH, UNITED STATES BANKRUPTCY COURT**

<sup>1</sup> 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.



JUDGE, IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 NORTH MARKET STREET, 5th FLOOR, COURTROOM NO. 4, WILMINGTON, DELAWARE 19801.

**PLEASE TAKE FURTHER NOTICE** that if an Objection to the Application is served by the Objection Deadline, the parties shall follow the procedures set forth in the Interim Compensation Order.

Dated: July 24, 2024  
Wilmington, Delaware

**LANDIS RATH & COBB LLP**

/s/ Matthew B. McGuire

Matthew B. McGuire (No. 4366)

Joshua B. Brooks (No. 6765)

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*Counsel for the InVivo Therapeutics  
Liquidation Trust*

# **EXHIBIT A**

**MONTHLY COMPENSATION BY PROFESSIONAL**

<b>Name of Professional</b>	<b>Position; Year of Admission (if applicable); Practice Group</b>	<b>Hourly Billing Rate<sup>1</sup></b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
George W. Shuster, Jr.	Partner; admitted to MA Bar since 2001 and NY Bar since 2010; Bankruptcy & Financial Restructuring	1,795.00	1.20	\$2,154.00
<b>Partner Total</b>			<b>1.20</b>	<b>\$2,154.00</b>
Lauren Lifland	Counsel; admitted to NY Bar since 2012; Bankruptcy & Financial Restructuring	1,360.00	0.60	\$816.00
<b>Counsel Total</b>			<b>0.60</b>	<b>\$816.00</b>
Yolande Thompson	Senior Paralegal; Bankruptcy & Financial Restructuring	710.00	4.90	\$3,479.00
<b>Paraprofessional Total</b>			<b>4.90</b>	<b>\$3,479.00</b>
<b>TOTAL</b>			<b>6.70</b>	<b>\$6,449.00</b>
<b>Less 12.5% Discount</b>				<b>-\$806.13</b>
<b>GRAND TOTAL</b>			<b>6.70</b>	<b>\$5,642.87</b>

**Blended Hourly Rate: \$962.54**

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<sup>1</sup> WilmerHale's billing rates remained the same during the Monthly Application Period.

# **EXHIBIT B**

**MONTHLY COMPENSATION BY PROJECT CATEGORY**

<b>Project Category</b>	<b>Total Hours</b>	<b>Total Fees</b>
B110 - Case Administration	0.50	\$355.00
B130 - Asset Disposition	1.20	\$2,154.00
B160 - Fee/Employment Applications	5.00	\$3,940.00
<b>TOTAL</b>	<b>6.70</b>	<b>\$6,449.00</b>
<b>Less 12.5% Discount</b>		<b>-\$806.13</b>
<b>GRAND TOTAL</b>	<b>6.70</b>	<b>\$5,642.87</b>

Client No. 2210508  
 Matter No. 2210508-00140

InVivo Therapeutics Corporation  
 Bankruptcy

Legal Services through July 12, 2024

Date	Timekeeper	Hours	Value	Description
<b>B110 - Case Administration</b>				
07/08/24	Thompson, Yolande	0.10	71.00	Register G. Shuster to participate in July 9, 2024 hearing
07/08/24	Thompson, Yolande	0.10	71.00	Emails with L. Lifland re registration for July 9, 2024 hearing
07/08/24	Thompson, Yolande	0.10	71.00	Review agenda for July 9, 2024 hearing
07/08/24	Thompson, Yolande	0.10	71.00	Emails with L. Lifland re cancellation of July 9, 2024 hearing
07/08/24	Thompson, Yolande	0.10	71.00	Register L. Lifland to participate in July 9, 2024 hearing
		<b>0.50</b>	<b>355.00</b>	
<b>B130 - Asset Disposition</b>				
07/08/24	Shuster Jr., George W.	0.30	538.50	Emails regarding sale order and sale closing
07/09/24	Shuster Jr., George W.	0.90	1,615.50	Attention to sale closing
		<b>1.20</b>	<b>2,154.00</b>	
<b>B160 - Fee/Employment Applications</b>				
07/08/24	Thompson, Yolande	0.10	71.00	Review emails from L. Lifland and N. Jordan in Accounting re revisions to proforma
07/08/24	Thompson, Yolande	0.10	71.00	Emails with G. Shuster re proforma for June
07/08/24	Thompson, Yolande	0.10	71.00	Emails with L. Lifland re proforma for June
07/08/24	Lifland, Lauren	0.30	408.00	Review and edit June invoice in connection with fee statement
07/09/24	Thompson, Yolande	0.50	355.00	Review docket and relevant pleadings to be cited in fee application

Client No. 2210508  
 Matter No. 2210508-00140

InVivo Therapeutics Corporation  
 Bankruptcy

Legal Services through July 12, 2024

Date	Timekeeper	Hours	Value	Description
07/09/24	Thompson, Yolande	0.10	71.00	Emails with L. Lifland re preparing Monthly Fee Application for June
07/09/24	Thompson, Yolande	0.30	213.00	Prepare spreadsheet calculating amounts to be included in fee application
07/09/24	Thompson, Yolande	0.60	426.00	Review final invoice provided by L. Lifland
07/09/24	Thompson, Yolande	0.10	71.00	Review emails from L. Lifland, N. Jordan, and E. Vargas re invoice for work performed in June
07/09/24	Thompson, Yolande	1.80	1,278.00	Prepare draft Fifth Monthly Fee Application
07/10/24	Thompson, Yolande	0.10	71.00	Review emails from L. Lifland and G. Shuster re approval of Fifth Monthly Fee Application
07/10/24	Thompson, Yolande	0.10	71.00	Email Fifth Monthly Fee Application to L. Lifland
07/10/24	Thompson, Yolande	0.50	355.00	Finalize Fifth Monthly Fee Application for attorney review
07/10/24	Lifland, Lauren	0.30	408.00	Review draft fee application
		<b>5.00</b>	<b>3,940.00</b>	
<b>Total</b>		<b><u>6.70</u></b>	<b><u>6,449.00</u></b>	

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

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

**CERTIFICATION OF GEORGE W. SHUSTER, JR.**

George W. Shuster, Jr., an attorney at law, duly admitted and in good standing to practice in the State of New York and the Commonwealth of Massachusetts, hereby certifies that:

1. I am a partner in the law firm of Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) and I am duly authorized to make this certification on behalf of WilmerHale. WilmerHale was retained by the above-captioned Debtors and Debtors-in-Possession as its special corporate counsel pursuant to an order of the Bankruptcy Court. This certification is made in support of the *Combined Sixth Monthly and Final Application of Wilmer Cutler Pickering Hale and Dorr LLP, Special Corporate Counsel to the Debtors and Debtors-In-Possession, for Compensation and Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331* (the “Final Application”) and in compliance with rule 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Rule 2016-2”).

2. I have read the Final Application and I certify that the Final Application substantially complies with Rule 2016-2.

Dated: July 24, 2024

/s/ George W. Shuster, Jr.  
George W. Shuster, Jr.

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<sup>1</sup> 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.