

**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)

**STATEMENT OF FINANCIAL AFFAIRS FOR
INVIVO THERAPEUTICS HOLDINGS CORP. (CASE NO. 24-10138)**

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.



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**SCHEDULES OF ASSETS AND LIABILITIES
AND STATEMENTS OF FINANCIAL AFFAIRS**

GLOBAL NOTES AND DISCLAIMERS

These Global Notes and Disclaimers (the “Global Notes”) regarding the Schedules of Assets and Liabilities (the “Schedules”) and Statements of Financial Affairs (the “Statements” and together with Schedules, the “Schedules and Statements”) for InVivo Therapeutics Corporation and its affiliated debtor, InVivo Therapeutics Holdings Corp., (each a “Debtor” and collectively, the “Debtors”) are incorporated by reference in, and comprise an integral part of, the Schedules and Statements, and should be referred to and reviewed in connection with any review of the Schedules and Statements.

1. ***Description of Cases.*** On February 1, 2024 (the “Petition Date”), the Debtors filed voluntary petitions with the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) under chapter 11 of title 11, United States Code 11 U.S.C. §§ 101, *et seq.* (as amended or modified, the “Bankruptcy Code”) under case numbers 24-10137 (MFW) and 24-10138 (MFW) (collectively, the “Chapter 11 Cases”), and orders for relief were entered by the Bankruptcy Court. The Chapter 11 Cases have been consolidated for the purpose of joint administration only under case number 24-10137 (MFW). The Debtors are currently operating their businesses as debtors-in-possession under the Bankruptcy Code.

On the Petition Date, the Debtors filed the *Declaration of Richard Christopher in Support of the Debtors’ Chapter 11 Petitions and First Day Pleadings* (the “First Day Declaration”) [D.I. 3], which provides information regarding the circumstances leading to the commencement of these Chapter 11 Cases and information regarding the Debtors’ business and capital structure.²

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 Except where otherwise indicated, capitalized terms used but not defined in these Global Notes have the meanings ascribed to them in the First Day Declaration.

2. **General Reservation of Rights.** The Schedules and Statements have been prepared by the Debtors' management and are unaudited. While the Debtors' management has made every effort to ensure that the Schedules and Statements are accurate and complete based on information that was available at the time of preparation, the subsequent receipt of information may result in material changes to the financial data contained in the Schedules and Statements, and inadvertent errors or omissions may exist. To the extent the Debtors discover a material error or omission, or become aware of additional information that may suggest a material difference, the Debtors will amend the applicable Schedules or Statements to reflect such changes. Accordingly, the Debtors do not make any representations or warranties as to the completeness or accuracy of the information set forth herein and reserve all rights to amend the Schedules or Statements as may be necessary or appropriate.

Exclusion of any asset should not be construed as an admission that such property rights have been abandoned, terminated, or otherwise expired by their terms, or assigned or otherwise transferred pursuant to a sale, acquisition, or other transaction.

3. **Basis of Presentation.** Given the differences between the information requested in the Schedules and Statements and the financial information utilized under generally accepted accounting principles in the United States ("GAAP"), the aggregate asset values and claim amounts set forth in the Schedules and Statements do not reflect the amounts that would be set forth in a balance sheet prepared in accordance with GAAP. Therefore, the Schedules and Statements do not purport to represent financial statements prepared in accordance with GAAP nor are they intended to reconcile fully with any consolidated financial statements prepared by the Debtors. Unlike the consolidated financial statements, the Schedules and Statements reflect the assets and liabilities of each separate Debtor, except where otherwise indicated. Information contained in the Schedules and Statements has been derived from the Debtors' books and records and historical financial statements.

The Schedules and Statements have been signed by Richard Christopher, the Debtors' Chief Financial Officer. Mr. Christopher is an authorized signatory for each of the Debtors. In reviewing and signing the Schedules and Statements, Mr. Christopher has relied upon the efforts, statements and representations of various personnel employed by the Debtors and their professionals. Mr. Christopher has not (and could not have) personally verified the accuracy of each statement and representation contained in the Schedules and Statements, including statements and representations concerning amounts owed to creditors, classification of such amounts and creditor addresses.

4. **Reporting Date.** Unless otherwise indicated, all amounts are listed as of the Petition Date or as of the latest available record date prior to the Petition Date.
5. **Fiscal Year.** The Debtors report fiscal year results of operations on the calendar year.
6. **Currency.** Unless otherwise indicated, all amounts are reflected in U.S. dollars.

7. **Payments.** Prior to the Petition Date, the Debtors maintained a consolidated cash management system in the ordinary course of business. As described more fully in the Cash Management Motion,³ the Debtors generally pay their obligations through Debtor InVivo Therapeutics Corporation (“OpCo”). To the extent that the Debtors were able to report information on an unconsolidated basis, the Schedules reflect such information. The Debtors reserve the right to modify or amend their Schedules and Statements to attribute any payments to a different legal entity, if appropriate.
8. **Current Values.** It would be prohibitively expensive, unduly burdensome and an inefficient use of estate assets for the Debtors to obtain current market valuations for all of their assets. Accordingly, unless otherwise indicated, the Debtors’ Schedules and Statements reflect net book values as of the Petition Date. Book values of assets prepared in accordance with GAAP generally do not reflect the current performance of the assets and may differ materially from the actual value and/or performance of the underlying assets. The amounts represented in the Schedules and Statements are totals of all known amounts. When necessary, the Debtors have indicated that the value of certain assets is “Undetermined.” To the extent that any assets have been identified as having an “Undetermined” value, the actual total may be different from the total listed in the Schedules and Statements.
9. **Estimates.** To close the books and records of the Debtors as of the Petition Date and to prepare such information on a legal entity basis, the Debtors were required to make estimates, allocations and assumptions that affect the reported amounts of assets, liabilities, revenue, and expenses as of the Petition Date. The Debtors reserve all rights, but shall not be required, to amend the reported amounts of assets, liabilities, revenue, and expenses to reflect changes in those estimates and assumptions.
10. **Liabilities.** The Debtors have sought to allocate liabilities between the prepetition and postpetition periods based on the information from research that was conducted in connection with the preparation of the Schedules. As additional information becomes available and further research is conducted, the allocation of liabilities between prepetition and postpetition periods may change. The Debtors also reserve the right to change the attribution of liability from one particular Debtor to another to the extent additional information becomes available and amend the Schedules without notice as applicable.

Some of the scheduled liabilities are unknown and unliquidated at this time. In such cases, the amounts are listed as “Undetermined.” Accordingly, the Schedules and Statements do not accurately reflect the aggregate amount of the Debtors’ liabilities.

The liabilities listed on the Schedules do not reflect any analysis of claims under section 503(b)(9) of the Bankruptcy Code. Accordingly, the Debtors reserve all of their rights to dispute or challenge the validity of any asserted claims under section 503(b)(9) of the

³ The term “Cash Management Motion” refers to the *Motion of the Debtors for Entry 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].

Bankruptcy Code or the characterization of the structure of any such transaction or any document or instrument related to any creditor's claims.

11. ***Excluded Assets and Liabilities.*** The Debtors have excluded certain categories of assets and liabilities from the Schedules and Statements, such as tax accruals, accrued salaries, employee benefit accruals, and accrued accounts payable. The Debtors also have excluded potential rejection damage claims of counterparties to executory contracts and unexpired leases that have been or may be rejected. In addition, other immaterial assets and liabilities may also have been excluded.
12. ***Entity Classification Issues.*** The Debtors have endeavored in good faith to identify the assets owned by each Debtor and the liabilities owed by each Debtor. While the Schedules reflect the results of this effort, several factors may impact the ability of the Debtors to precisely assign assets and liabilities to particular Debtor entities, including, but not limited to: (a) certain assets may be primarily used by a Debtor other than the entity which holds title to such assets according to the Debtors' books and records; (b) the Debtor entity that owns or holds title to certain assets may not be ascertainable given the consolidated manner in which the Debtors have operated their businesses; and (c) certain liabilities may have been nominally incurred by one Debtor, yet such liabilities may have actually been incurred by, or the invoices related to such liabilities may have been issued to or in the name of, another Debtor.
13. ***Intellectual Property Rights.*** The Debtors historically (and in the Schedules and Statements) report the value of certain assets, such as intellectual property, on their books and records in their entirety as opposed to on an individual asset-by-asset basis. It would be prohibitively expensive and unduly burdensome for the Debtors to obtain individual valuations for each intellectual property right. Accordingly, the Debtors have not identified individual values for each of their intellectual property assets. Accordingly, the Debtors reserve all of their rights with respect to the legal status of any and all such intellectual property rights.

Exclusion of certain intellectual property shall not be construed as an admission that such intellectual property rights have been abandoned, terminated, assigned, expired by their terms or otherwise transferred pursuant to a sale, acquisition or other transaction. Conversely, inclusion of certain intellectual property shall not be construed to be an admission that such intellectual property rights have not been abandoned, terminated, assigned, expired by their terms or otherwise transferred pursuant to a sale, acquisition or other transaction. In addition, certain transactions entered into by the Debtors prior to the Petition Date related to intellectual property created arrangements and relationships regarding the ownership of, security interests on, and licenses to intellectual property and the proceeds thereof, including royalties and milestones, that are complex and, in some instances, interrelated or overlapping. Descriptions and disclosures related to such transactions and their effects in the Schedules and Statements shall not be construed as any admission regarding the factual or legal characterization of such transactions or effects, and the Debtors reserve all rights in respect thereof.

14. **Tax Assets.** The Debtors carry certain unused net operating losses, research, income, or research and development tax credits on their books and records (the “Tax Assets”). However, the Debtors make no representations or warranties regarding the value of the Debtors’ interest in the Tax Assets.
15. **Claims Description.** Any failure to designate a claim listed in the Schedules as disputed, contingent or unliquidated does not constitute an admission by the Debtors that such amount is not disputed, contingent or unliquidated. The Debtors reserve all of their rights with respect to the claims listed in the Schedules or Statements, including, without limitation, the right to assert offsets or defenses to any claim reflected on the Schedules or Statements, or to further amend the Schedules or Statements to (i) dispute any claim on any basis, including, without limitation, as to amount, liability or classification or (ii) designate any claim as disputed, contingent or unliquidated.
16. **Credits and Adjustments.** The claims of creditors for, among other things, goods, products, services, or taxes are listed as the amounts entered on the Debtors’ books and records and do not reflect credits, rebates, refunds, or allowances that may be due from such creditors to the Debtors. The Debtors reserve all of their rights regarding any and all such credits, rebates, refunds, and allowances.
17. **Classifications.** The Debtors have sought to discover and properly classify all claims and interests in the Chapter 11 Cases, and to list all claims and interests against their estates accurately and completely. The Schedules or Statements should not be considered the final determination of the Debtors’ assets and liabilities, but rather the Debtors’ current compilation of such information as of the Petition Date based on their investigations to date.

In certain circumstances, the Debtors may not have included the date claims were incurred as such information is not readily available and it would be prohibitively expensive and burdensome to determine such dates.

18. **Causes of Action.** Despite the Debtors’ reasonable efforts to identify all known assets, the Debtors may not have set forth all of their causes of action or potential causes of action against third parties as assets in the Schedules and Statements. The Debtors reserve all of their rights with respect to any Claims or causes of action (including avoidance actions arising under Chapter 5 of the Bankruptcy Code and actions under other applicable non-bankruptcy law to recover assets), controversy, right of setoff, cross claim, counterclaim, or recoupment and any claim on contracts or for breaches of duties imposed by law or in equity, demand, right, action, lien, indemnity, guaranty, suit, obligation, liability, damage, judgment, account, defense, power, privilege, license, and franchise of any kind or character whatsoever, known, unknown, fixed or contingent, matured or unmatured, suspected or unsuspected, liquidated or unliquidated, disputed or undisputed, secured or unsecured, assertable directly or derivatively, whether arising before, on, or after the Petition Date, in contract or in tort, in law or in equity, or pursuant to any other theory of law (collectively, “Causes of Action”) they may have, and neither the Global Notes nor the Schedules and Statements shall be deemed a waiver of any

Claims or Causes of Action or in any way prejudice or impair the assertion of such Claims or Causes of Action.

19. **Court Orders.** By separate orders of the Bankruptcy Court entered in these Chapter 11 Cases, the Debtors were authorized (but not directed) to pay, among other things, certain prepetition claims of taxing authorities. Consequently, certain prepetition fixed, liquidated and undisputed priority and general unsecured claims have been or may be paid under this authority. The Debtors have attempted to list on their Schedules all such known amounts outstanding as of the Petition Date.

Additionally, the Debtors were authorized (but not directed) by order of the Bankruptcy Court to pay, among other things, certain prepetition claims of employees. Consequently, certain prepetition fixed, liquidated and undisputed priority and general unsecured claims related to employees have been or may be paid under this authority. The prepetition liabilities related to ordinary course wages and compensation that have been paid postpetition to employees have been excluded from the Schedules.

20. **Insiders.** In the circumstances where the Schedules or Statements require information regarding insiders and/or officers and directors, included therein are each of the Debtors' (a) directors (or persons in similar positions) and (b) employees that are, or were during the relevant period, officers (or persons in control). The listing of a party as an insider is not intended to be nor should it be construed as a legal characterization of such party as an insider and does not act as an admission of any fact, claim, right, or defense, and all such rights, claims and defenses are hereby expressly reserved. Further, employees have been included in this disclosure for informational purposes only and should not be deemed to be "insiders" in terms of control of the Debtors, management responsibilities or functions, decision-making or corporate authority and/or as otherwise defined by applicable law, including, without limitation, the federal securities laws, or with respect to any theories of liability or for any other purpose.
21. **Setoffs.** The Debtors have not included on Schedule D parties that may believe their claims are secured through setoff rights, deposits posted by or on behalf of the Debtors or inchoate statutory lien rights.
22. **Reservations.** Neither the Debtors, their agents, their employees, nor their attorneys or advisors guarantee or warrant the accuracy, the completeness or correctness of the data that is provided herein or in the Schedules and Statements, and neither is liable for any loss or injury arising out of or caused in whole or in part by the acts, errors or omissions, whether negligent or otherwise, in procuring, compiling, collecting, interpreting, reporting, communicating or delivering the information. While every effort has been made to provide accurate and complete information herein, inadvertent errors or omissions may exist. The Debtors and their agents, attorneys and advisors expressly do not undertake any obligation to update, modify, revise or re-categorize the information provided herein, or to notify any third party should the information be updated, modified, revised or re-categorized. In no event shall the Debtors or their agents, attorneys and advisors be liable to any third party for any direct, indirect, incidental, consequential, or

special damages (including, but not limited to, damages arising from the disallowance of a potential claim against the Debtors or damages to business reputation, lost business or lost profits), whether foreseeable or not and however caused.

23. ***Global Notes Control.*** In the event that the Schedules and Statements differ from the Global Notes, these Global Notes shall control.

Specific Disclosures with Respect to the Debtors' Schedules and Statements

1. ***Schedule A/B, Item 72.*** Between 2004 and 2022 the Debtors have accrued net operating losses of approximately \$164 million. As set forth above, the Debtors make no representations or warranties regarding the value of the Debtors' interest in the Tax Assets and the actual value of these Tax Assets as of the Petition Date is undetermined.
2. ***Schedule E/F.*** The liabilities identified in Schedule E/F are derived from the Debtors' books and records. Schedule E/F may not include certain deferred charges, deferred liabilities or general reserves. Such amounts, however, are reflected on the Debtors' books and records as required in accordance with GAAP. Such accruals are general estimates of liabilities and do not represent specific claims as of the Petition Date. The Debtors also have excluded potential rejection damage claims of counterparties to executory contracts and unexpired leases that have been or may be rejected.

The claims listed in Schedule E/F arose or were incurred on various dates. In certain instances, the date on which a claim arose is an open issue of fact. Although reasonable efforts have been made to identify the date of incurrence of each claim, determination of the date upon which each claim in Schedule E/F was incurred or arose would be unduly burdensome and cost prohibitive and, therefore, the Debtors do not list a date for each claim listed on Schedule E/F.

3. ***Schedule G.*** Although reasonable efforts have been made to ensure the accuracy of Schedule G, inadvertent errors, omissions or over inclusions may have occurred. The Debtors hereby reserve all rights to dispute the validity, status or enforceability of any contract or other agreement set forth in Schedule G that may have expired or may have been modified, amended and supplemented from time to time by various amendments, restatements, waivers, estoppel certificates, letters, and other document, instruments and agreements which may not be listed therein. Also, Schedule G is intended to contain all of the Debtors' contracts and agreements as of the Petition Date. It is possible that some of the contracts or agreements listed on Schedule G have expired or otherwise terminated pursuant to their terms since the Petition Date or have been rejected by the Debtors. The presence of a contract or agreement on Schedule G does not constitute an admission by the Debtors that such contract or agreement is an executory contract or unexpired lease.

Certain of the leases and contracts listed on Schedule G may contain certain renewal options, guarantees of payment, options to purchase, rights of first refusal and other miscellaneous rights. Such rights, powers, duties and obligations are not set forth separately on Schedule G. In addition, the Debtors may have entered into various other

types of agreements in the ordinary course of business, such as confidentiality or non-disclosure agreements, easements, rights of way, subordinations, nondisturbance and attornment agreements, supplemental agreements, statements of work, work orders, amendments/letter agreements, title agreements, and confidentiality agreements. Such documents also are not set forth in Schedule G.

While identifying the contracts and leases on Schedule G, the Debtors have not necessarily set forth these contracts and leases as assets in the Schedules and Statements, even though these contracts and leases may have some value to the Debtors' estates.

4. **Statement 3.** Statement 3 includes any disbursement or other transfer made by the Debtors except for those made to insiders (included in Statement 4).
5. **Statement 4 and 30.** For purposes of Statement 4 and 30, all payments made on behalf of each of the Debtors to insiders were made through the Debtors' consolidated cash management system and paid through OpCo, even though some of the payments may have been to or for the benefit of the other Debtor. As such, the payments made to insiders in connection with such insider's services to each Debtor have not been expressly allocated among the Debtors and, instead, have been listed in Statement question 4 and 30 for OpCo.
6. **Statement 11.** For purposes of Statement 11, all payments made on behalf of each of the Debtors for consultation concerning relief under the Bankruptcy Code or preparation of a petition in bankruptcy within one (1) year immediately preceding the commencement of these Chapter 11 Cases, were made through the Debtors' consolidated cash management system. As such, the costs of these services on behalf of each Debtor have not been expressly allocated among the Debtors and, instead, have been listed in Statement question 11 for OpCo.
7. **Statement 26.** For purposes of purposes of Statement 26(a), the Debtors have identified CFGI, Korn Ferry/Patina Group ("Korn Ferry"), and RSM US LLP ("RSM") as providers of accounting, bookkeeping, and auditing services to the Debtors, respectively. The Debtors have not requested any services from CFGI or RSM since November 2023. Korn Ferry continues to provide part-time bookkeeping services to the Debtors on an as needed basis to assist with general accounting matters, including accounts payable and payroll. The Debtors do not anticipate requesting that RSM perform any audits for the tax year ending 2023.
8. **Statement 28.** For purposes of Statement 28, the Debtors have identified the Debtors' officers, directors, and controlling shareholders. Upon information and belief, Brice Foose has divested his ownership of approximately 10% of the Debtors' common stock, which he held as of the Petition Date. In the Debtors' view, such percentage of ownership does not constitute controlling shareholder status for purposes of Statement 28, and the Debtors make the preceding disclosure out of an abundance of caution.

Fill in this information to identify the case:

Debtor Name: In re : InVivo Therapeutics Holdings Corp.
 United States Bankruptcy Court for the: District Of Delaware
 Case number (if known): 24-10138 (MFW)

Check if this is an amended filing

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy 04/22

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

None

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year	Sources of revenue Check all that apply	Gross revenue (before deductions and exclusions)
From the beginning of the fiscal year to filing date: From _____ to Filing date MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
For prior year: From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
For the year before that: From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. Non-business income may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None

		Description of sources of revenue	Gross revenue from each source (before deductions and exclusions)
From the beginning of the fiscal year to filing date:	From _____ to Filing date MM / DD / YYYY	_____	\$ _____
For prior year:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____
For the year before that:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 2: List Certain Transfers Made Before Filing for Bankruptcy

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers-including expense reimbursements-to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$7,575 . (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None

Creditor's name and address	Dates	Total amount or value	Reasons for payment or transfer Check all that apply
3.1 Creditor's Name Street City State ZIP Code Country		\$	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$7,575. (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. Insiders include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

None

Insider's Name and Address	Dates	Total amount or value	Reason for payment or transfer
4.1 Insider's Name Street City State ZIP Code Country Relationship to Debtor		\$	

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

None

Creditor's Name and Address	Description of the Property	Date	Value of property
5.1 Creditor's Name			\$
Street			
City State ZIP Code			
Country			

6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

None

Creditor's Name and Address	Description of the action creditor took	Date action was taken	Amount
6.1 Creditor's Name			\$
Street			
City State ZIP Code	Last 4 digits of account number: XXXX-		
Country			

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 3: Legal Actions or Assignments

7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

None

Case title	Nature of case	Court or agency's name and address	Status of case
7.1		Name	<input type="checkbox"/> Pending
		Street	<input type="checkbox"/> On appeal
			<input type="checkbox"/> Concluded
Case number		City State ZIP Code	
		Country	

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

None

Custodian's name and address	Description of the Property	Value
8.1		\$
Custodian's name	Case title	Court name and address
Street		Name
	Case number	Street
City State ZIP Code		
Country	Date of order or assignment	City State ZIP Code
		Country

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 4: Certain Gifts and Charitable Contributions

9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000

None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
9.1 Creditor's Name Street City State ZIP Code Country Recipient's relationship to debtor			\$

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 5: Certain Losses

10. All losses from fire, theft, or other casualty within 1 year before filing this case.

None

Description of the property lost and how the loss occurred	Amount of payments received for the loss If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).	Date of loss	Value of property lost
10.1			\$

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 6: Certain Payments or Transfers

11. Payments related to bankruptcy

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

None

Who was paid or who received the transfer?	If not money, describe any property transferred	Dates	Total amount or value
11.1			\$
Address			
Street			

City	State	ZIP Code	
Country			
Email or website address			

Who made the payment, if not debtor?			

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device. Do not include transfers already listed on this statement.

None

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value
12.1			\$
Trustee			

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

13. Transfers not already listed on this statement

List any transfers of money or other property - by sale, trade, or any other means - made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

None

Who received transfer?	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
13.1			\$

Address

Street

City State ZIP Code

Country

Relationship to Debtor

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 7: Previous Locations

14. Previous addresses

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

Does not apply

Address		Dates of occupancy	
14.1	One Kendall Square Street Suite B14402 Cambridge MA 02139 City State ZIP Code Country	From	To
		11/30/2011	9/1/2023

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 8: Health Care Bankruptcies

15. Health Care bankruptcies

Is the debtor primarily engaged in offering services and facilities for:
 — diagnosing or treating injury, deformity, or disease, or
 — providing any surgical, psychiatric, drug treatment, or obstetric care?

- No. Go to Part 9.
- Yes. Fill in the information below.

Facility Name and Address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
15.1 Facility Name		
Street	Location where patient records are maintained (if different from facility address). If electronic, identify any service provider.	How are records kept?
City State ZIP Code		Check all that apply:
Country		<input type="checkbox"/> Electronically
		<input type="checkbox"/> Paper

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name _____

Part 9: Personally Identifiable Information

16. Does the debtor collect and retain personally identifiable information of customers?

- No.
- Yes. State the nature of the information collected and retained. _____
 Does the debtor have a privacy policy about that information?
 No
 Yes

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- No. Go to Part 10.
- Yes. Does the debtor serve as plan administrator?
 No. Go to Part 10.
 Yes. Fill in below:

Name of plan	Employer identification number of the plan
17.1 _____	EIN: _____

Has the plan been terminated?

- No
- Yes

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units

18. Closed financial accounts

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred? Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

None

Financial institution name and address	Last 4 digits of account number	Type of account	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
18.1 Name Street City State ZIP Code Country	XXXX-	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other		\$

19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

None

Depository institution name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
19.1 Name Street City State ZIP Code Country			<input type="checkbox"/> No <input type="checkbox"/> Yes

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
20.1 Name <hr/> Street <hr/> <hr/> City State ZIP Code <hr/> Country <hr/>			<input type="checkbox"/> No <input type="checkbox"/> Yes

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own

21. Property held for another

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

None

	Owner's name and address	Location of the property	Description of the property	Value
21.1	Name			\$
	Street			
	City	State	ZIP Code	
	Country			

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 12: Details About Environmental Information

For the purpose of Part 12, the following definitions apply:

- *Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).
- *Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.
- *Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No
- Yes. Provide details below.

Case title	Court or agency name and address	Nature of the case	Status of case
22.1 _____	Name _____ Street _____		<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
Case Number	_____		
	City _____ State _____ ZIP Code _____		
	Country _____		

23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

- No
- Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
23.1 Name _____	Name _____		
Street _____	Street _____		
_____	_____		
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____		
Country _____	Country _____		

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

24. Has the debtor notified any governmental unit of any release of hazardous material?

No

Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
24.1			
Name	Name		
Street	Street		
City State ZIP Code	City State ZIP Code		
Country	Country		

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Part 13: Details About the Debtor's Business or Connections to Any Business

25. Other businesses in which the debtor has or has had an interest

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

None

Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.1 InVivo Therapeutics Corporation Name 1500 District Avenue Street _____ Burlington MA 01803 City State ZIP Code _____ Country	Scientific Research and Development Services	EIN: 84-1696670 Dates business existed From 10/26/2010 To Present

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

Name and Address	Dates of service
26a.1 CFGI Name 1 Lincoln Street Street Suite 1301 _____ Boston MA 02111 City State ZIP Code _____ Country	From 2016 To Present
26a.2 Korn Ferry/Patina Group Name PO Box 1450 Street _____ Minneapolis MN 55485 City State ZIP Code _____ Country	From 2018 To Present
26a.3 Richard Christopher - Chief Financial Officer Name _____ Street _____ Burlington MA 01803 City State ZIP Code _____ Country	From 2019 To Present

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

Name and Address		Dates of service	
26b.1	RSM US LLP	From	2019 To Present
	Name		
	80 City Square		
	Street		
	Boston MA 02129		
	City State ZIP Code		
	Country		

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

Name and address	If any books of account and records are unavailable, explain why
26c.1 CFGI	
Name	
1 Lincoln Street	
Street	
Suite 1301	
Boston MA 02111	
City State ZIP Code	
Country	

Name and address	If any books of account and records are unavailable, explain why
26c.2 Korn Ferry/Patina Group	
Name	
PO Box 1450	
Street	
Minneapolis MN 55485	
City State ZIP Code	
Country	

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

Name and address

If any books of account and records are unavailable, explain why

26c.3 Richard Christopher - Chief Financial Officer

Name

1500 District Ave

Street

Burlington

MA

01803

City

State

ZIP Code

Country

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

None

Name and address

26d.1

Name

Street

City

State

ZIP Code

Country

27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

No

Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory	Date of Inventory	The dollar amount and basis (cost, market, or other basis) of each inventory
		\$ _____

Name and address of the person who has possession of inventory records

27.1

Name

Street

City

State

ZIP Code

Country

Debtor: InVivo Therapeutics Holdings Corp.

Case number (if known): 24-10138

Name

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and Nature of any interest	% of interest, if any
28.1 See SOFA 28 Attachment			

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- No
- Yes. Identify below.

Name	Address	Position and Nature of any interest	Period during which position or interest was held	
			From	To
29.1 Daniel Marshak	805 Boston Post Road, Weston, MA 02493-1105	Former Director	2/1/2023	11/1/2023

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- No
- Yes. Identify below.

Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
30.1 Name Street City State ZIP Code Country			
Relationship to debtor			

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- No
- Yes. Identify below.

Name of the parent corporation	Employer Identification number of the parent corporation
31.1 InVivo Therapeutics Holdings Corp.	EIN: 36-4528166

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- No
- Yes. Identify below.

Name of the pension fund	Employer Identification number of the pension fund
32.1	EIN:

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both.

18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/15/2024
MM / DD / YYYY

x / s / Richard Christopher _____

Printed name Richard Christopher

Signature of individual signing on behalf of the debtor

Position or relationship to debtor Chief Financial Officer

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy (Official Form 207)* attached?

No

Yes

In re: InVivo Therapeutics Holdings Corp.**Case No. 24-10138**

Attachment 28

Current Partners, Officers, Directors and Shareholders

Name	Address 1	City	State	Zip	Position and nature of any interest	% of interest, if any
Ann Merrifield	48 West Cedar Street	Boston	MA	02114	Director, Shareholder	0.16%
Christina Morrison	231 Cheswold Hill Road	Haverford	PA	19041	Director, Shareholder	0.15%
Heather Hamel	19 Village Road	Sudbury	MA	01776	Chief Legal Officer and General Counsel, Shareholder	0.25%
Richard Christopher	38 Sunset Rock Road	Andover	MA	01810	Chief Financial Officer, Shareholder	0.45%
Richard Roberts	157 Larch Row	Wenham	MA	01984	Director, Shareholder	0.16%
Richard Toselli	1052 E Shore Road	Jamestown	RI	02835	President, Chief Executive Officer, Shareholder	1.19%
Robert Rosenthal	100 Hollis St	Sherborn	MA	01770	Director, Shareholder	0.15%