

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. 122

**NOTICE OF FILING OF HOGAN LOVELLS US LLP'S
OCP DECLARATION AND OCP QUESTIONNAIRE**

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

PLEASE TAKE NOTICE that, on March 26, 2024, the Court entered the *Order Granting Motion of the Debtors for Entry of an Order Authorizing Employment and Retention of Professionals Utilized in the Ordinary Course of Business* [Docket No. 122] (the "OCP Order")²

PLEASE TAKE FURTHER NOTICE that, on the date hereof, pursuant to the terms of the OCP Order, the debtors and debtors-in-possession in the above-captioned cases (the "Debtors"), filed the *Declaration in Support of Employment and Retention of Hogan Lovells US LLP as a Professional Utilized in the Ordinary Course of Business* (the "OCP Declaration"), a copy of which is attached hereto as **Exhibit 1**, and the related *Retention Questionnaire* (the "OCP Questionnaire"), a copy of which is attached hereto as **Exhibit 2**.

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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 Terms utilized but not otherwise defined herein shall have the meanings ascribed to them in the Order.



PLEASE TAKE FURTHER NOTICE THAT, PURSUANT TO THE ORDER, THE NOTICE PARTIES HAVE FOURTEEN (14) DAYS FOLLOWING SERVICE OF THE ATTACHED OCP DECLARATION AND OCP QUESTIONNAIRE TO FILE ANY OBJECTION TO THE RETENTION STEMMING FROM THE CONTENTS OF THE OCP DECLARATION OR THE OCP QUESTIONNAIRE. IF AFTER FOURTEEN (14) DAYS NO OBJECTION IS FILED, THEN THE RETENTION OF SUCH ORDINARY COURSE PROFESSIONAL SHALL BE DEEMED APPROVED AND SUCH PROFESSIONAL MAY BE PAID IN ACCORDANCE WITH THE TERMS OF THE ORDER.

Dated: May 7, 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks
Matthew B. McGuire (No. 4366)
Joshua B. Brooks (No. 6765)
George A. Williams III (No. 6964)
919 Market Street, Suite 1800
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*Counsel for the Debtors and
Debtors-In-Possession*

EXHIBIT 1

OCP Declaration

**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)

**DECLARATION IN SUPPORT OF EMPLOYMENT AND RETENTION
OF HOGAN LOVELLS US LLP AS A PROFESSIONAL UTILIZED IN
THE ORDINARY COURSE OF BUSINESS**

I, Janice M. Hogan, declare under the penalty of perjury as follows:

1. I am a member of Hogan Lovells US LLP (the “Firm”), which is being employed by the debtors and debtors-in-possession (the “Debtors”) in the above-captioned cases (the “Chapter 11 Cases”) in the ordinary course of their business pursuant to section 327(e) of the Bankruptcy Code. The Debtors wish to employ and retain the Firm to continue providing ordinary course services during the Chapter 11 Cases. This declaration is submitted in compliance with the *Order Granting Motion of the Debtors for Entry of an Order Authorizing the Employment and Retention of Professionals Utilized in the Ordinary Course of Business* (the “OCP Order”).

2. The Firm may have performed services in the past, and may perform services in the future, in matters unrelated to the Chapter 11 Cases, for persons that are parties-in-interest in the Chapter 11 Cases. In connection with its engagement by the Debtors prior to the commencement of the Chapter 11 Cases, the Firm performed a customary conflicts check. In addition, in connection with the Firm’s proposed retention as an ordinary course professional in the Chapter 11 Cases, the Firm conducted a limited, supplemental conflict check of the following parties-in-

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interest that were included in a list provided to the Firm by the Debtors' counsel: (i) the Debtors, (ii) current and former employees and officers, (iii) equity security holders, and (iv) banks.

3. Therefore, based on the foregoing, neither I, nor any principal of, or professional employed by the Firm, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtors or their estates with respect to the matters on which the Firm is to be employed as an ordinary course professional.

4. The Firm intends to apply for compensation for professional services rendered in connection with the Chapter 11 Cases directly to the Debtors, in accordance with the OCP Order, through the submission of invoices and detailed time records based on the hourly rates set forth below, plus reimbursement of actual necessary expenses and other charges incurred by the Firm. The principal attorney designated to represent the Debtors and their current rates is Janice Hogan at a rate of \$1,138.50.

5. The rates set forth above are subject to periodic adjustments to reflect economic and other conditions. Such rates are the Firm's standard rates for work of this nature. The rates are set at a level designed to fairly compensate the Firm for the work of its professionals and to cover fixed and routine overhead expenses. It is the Firm's policy to charge its clients in all areas of practice for all other expenses incurred in connection with the respective client's matter. The expenses charged to clients include, among other things, printing and copying (other than routine printing and copying), travel, legal research costs, filing fees and, in general, all identifiable expenses that would not have been incurred except for representation of a particular client. The Firm will charge the Debtors for these expenses in a manner and at rates consistent with charges made generally to the Firm's other clients.

6. Except as provided in the OCP Order, no representations or promises have been

received by the Firm nor by any member, counsel or associate thereof as to compensation in connection with these cases other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with the Chapter 11 Cases.

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

Date: May 7, 2024

/s/Janice M. Hogan
Janice M. Hogan
Partner
Hogan Lovells US LLP
1735 Market Street Philadelphia,
PA 19103

EXHIBIT 2

OCP Questionnaire

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

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

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Case No. 24-10137 (MFW)

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RETENTION QUESTIONNAIRE

To be completed by each professional to be employed by the above-captioned debtors and debtors-in-possession (the “Debtors”):

If more space is needed, please complete on a separate page and attach.

1. Name and address of firm (the “Firm”):
Hogan Lovells US LLP
Columbia Square
555 13th St NW,
Washington, DC 20004
2. Date of retention: July 2006
3. Type of service(s) provided: Regulatory advice/FDA compliance matters.
4. Brief description of service(s) to be provided: The Firm will review and provide legal analysis for a report prepared by the Debtors for submission to FDA.
5. Arrangements for compensation: Previously, the Firm billed the client on a monthly basis for services provided during the previous month. The Firm has not received any retainer payments from the Debtors.
 - (a) Average rate (if applicable): \$1,138.50
 - (b) Estimated compensation: \$2,500
6. Prepetition claims against the Debtors held by the Firm: NONE.
Amount of claim: N/A

Date claim arose: N/A

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Source of claim: N/A

7. Prepetition claims against the Debtors held individually by any member, associate or professional employee of the Firm:

None of the attorneys who are working on this ordinary course professional retention matter have any such claims. The Firm has approximately 2,800 attorneys in more than 40 countries. Therefore, the Firm has not conducted a Firm-wide poll. However, the Firm does not believe that if any member, associate or professional employee of the Firm holds such a claim that it would be relevant to the Firm being retained as an ordinary course professional. If the Firm becomes aware of any situation that is relevant to its retention to an ordinary course professional, it will promptly make a supplemental disclosure to the court.

Name: N/A

Status: N/A

Amount of claim: N/A

Date claim arose: N/A

Source of claim: N/A

8. Stock of the Debtors currently held individually by any member, associate or professional employee of the Firm:

None of the attorneys who are working on this ordinary course professional retention matter holds any stock of the Debtors. The Firm has approximately 2,800 attorneys in more than 40 countries. Therefore, the Firm has not conducted a Firm-wide poll. However, the Firm does not believe that if any member, associate or professional employee of the Firm holds stock of the Debtors that it would be relevant to the Firm being retained as an ordinary course professional. If the Firm becomes aware of any situation that is relevant to its retention to an ordinary course professional, it will promptly make a supplemental disclosure to the court.

Kind of shares: N/A

No. of shares: N/A

9. Disclose the nature, and provide a brief description, of any interest adverse to the Debtors or to their estate respecting the matters on which the above-named firm is to be employed. NONE