

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:** July 17, 2024 at 11:30 a.m. (ET)

**Obj. Deadline:** June 20, 2024 at 4:00 p.m. (ET)

**SUMMARY SHEET TO THE FIRST INTERIM FEE APPLICATION OF  
KURTZMAN CARSON CONSULTANTS LLC, AS ADMINISTRATIVE  
ADVISOR TO THE DEBTORS, FOR THE PERIOD FROM  
FEBRUARY 1, 2024 THROUGH AND INCLUDING APRIL 30, 2024**

***General Information***

Name of Applicant:	Kurtzman Carson Consultants LLC
Authorized to Provide Services to:	The above-captioned debtors
Petition Date:	February 1, 2024
Date of Retention Order:	February 22, 2024, effective as of February 1, 2024
Type of Application:	Interim

***Summary of Fees and Expenses Sought in the Fee Application***

Period for Which Compensation and Reimbursement is Sought in the Fee Application:	February 1, 2024 through April 30, 2024
Amount of Compensation Sought as Actual, Reasonable, and Necessary for the Fee Period:	\$31,586.40
Amount of Expense Reimbursement Sought as Actual, Reasonable, and Necessary for the Fee Period:	\$0.00
Total Compensation and Expense Reimbursement Request for the Fee Period:	\$31,586.40

<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.



**Prior Applications Filed:**

			Requested		Approved by Court to Date			
<i>Type of Application</i>	<i>Date Filed/ Docket No.</i>	<i>Period Covered</i>	<i>Fees</i>	<i>Expenses</i>	<i>Fees</i>	<i>Expenses</i>	<i>Amount Paid</i>	<i>Amount Outstanding</i>
Monthly	4/10/2024; D.I. 143	2/1/2024 – 2/29/2024	\$17,432.64 (80% of \$21,790.80)	\$0.00	\$17,432.64 (80% of \$21,790.80)	\$0.00	\$17,432.64	\$4,358.16
Monthly	5/22/2024; D.I. 192	4/1/2024 – 4/30/2024	\$7,836.48 (80% of \$9,795.60)	\$0.00	Pending	\$0.00	\$0.00	\$9,795.60

**COMPENSATION BY PROJECT CATEGORY**

Project Category	Total Hours	Total Fees
Schedules & SOFAs	104.2	\$22,485.60
Solicitation	41.1	\$9,100.80
<b>Totals</b>	<b>145.3</b>	<b>\$31,586.40</b>

**COMPENSATION BY INDIVIDUAL**

Initials	Name	Position	Hours	Rate	Total
CJI	Cooper Ide	Technical Programming Consultant	4.0	\$ 85.50	\$ 342.00
DPM	Daniel McSwigan	Solicitation Consultant	54.0	\$ 220.50	\$ 11,907.00
JEE	James Lee	Securities Consultant	5.0	\$ 225.00	\$ 1,125.00
JFM	Jeffrey Miller	Solicitation Consultant	23.4	\$ 219.92	\$ 5,146.20
JNG	Jennifer Ngo	Securities Consultant	10.5	\$ 225.00	\$ 2,362.50
KVR	Kevin Martin	Securities Consultant	3.3	\$ 225.00	\$ 742.50
RVN	Ramya Venkatesan	Technical Programming Consultant	0.8	\$ 85.50	\$ 68.40
SMZ	Stanley Martinez	Solicitation Consultant	16.6	\$ 220.50	\$ 3,660.30
WRG	William Gruber	Solicitation Consultant	27.7	\$ 225.00	\$ 6,232.50
	<b>TOTALS</b>		<b>145.3</b>		<b>\$31,586.40</b>

<b>Total Incurred:</b>	\$31,586.40
<b>Blended Rate:</b>	\$217.39

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**FIRST INTERIM FEE APPLICATION OF KURTZMAN  
CARSON CONSULTANTS LLC, AS ADMINISTRATIVE  
ADVISOR TO THE DEBTORS, FOR THE PERIOD FROM  
FEBRUARY 1, 2024 THROUGH AND INCLUDING APRIL 30, 2024**

Pursuant to Sections 330 and 331 of Title 11 of the United States Code, §§ 101-1532 (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), and the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals*, dated February 22, 2024 [Docket No. 85] (the “Interim Compensation Order”), Kurtzman Carson Consultants LLC (“KCC”), administrative advisor for the above-captioned debtors (the “Debtors”), hereby submits its first interim fee application (this “Fee Application”) for allowance of compensation for professional services provided in the amount of \$31,586.40 for the period from February 1, 2024 through and including April 30, 2024 (the “Fee Period”). In support of this Fee Application, KCC represents 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**

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter 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 February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and KCC confirms its consent pursuant to Local Rule 9013-l(f) to the entry of a final order by the Court in connection with this Fee Application to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are section 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016, and Local Rules 2016-1 and 2016-2.

### **BACKGROUND**

4. On February 1, 2024 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

5. On the Petition Date, the Debtors filed an application to employ KCC as its claims and noticing agent (in such capacity, the “Claims and Noticing Agent”) pursuant to 28 U.S.C. § 156(c) and Local Rule 2002-1(f) [Docket No. 5] (the “Section 156(c) Application”), which was approved by the Court on February 6, 2024 [Docket No. 29] (the “Section 156(c) Order”).

6. Given that the administration of these chapter 11 cases would require KCC to perform duties outside the scope of 28 U.S.C. § 156(c), the Debtors supplemented the Section 156(c) Application with an application to retain KCC to perform certain services as the Debtors’ administrative advisor in these chapter 11 cases (in such capacity, the “Administrative Advisor”). Accordingly, on February 6, 2024, the Debtors filed the *Debtors’ Application for Authorization to*

*Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date* [Docket No. 35]. On February 22, 2024, the Court entered the *Order Authorizing the Debtors to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective as of the Petition Date* [Docket No. 84] (the “Retention Order”). The Retention Order authorized the Debtors to compensate KCC in accordance with the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, the United States Trustee Fee Guidelines and any orders entered in these cases governing professional compensation and reimbursement for services rendered and charges and disbursements incurred.

7. The Retention Order authorizes KCC to provide the following services:
  - (a) assist with, among other things, the preparation of the Debtors’ schedules of assets and liabilities, schedules of executory contracts and unexpired leases and statements of financial affairs;
  - (b) assist with, among other things, solicitation, balloting, tabulation and calculation of votes, as well as prepare any appropriate reports required in furtherance of confirmation of any chapter 11 plan;
  - (c) generate an official ballot certification testify, if necessary, in support of the ballot tabulation results for any chapter 11 plan(s) in these chapter 11 cases;
  - (d) generate, provide and assist with claims objections, exhibits, claims reconciliation and related matters; and
  - (e) provide such other claims processing, noticing, solicitation, balloting, and administrative services described in the Services Agreement, but not included in the Section 156(c) Application, as may be requested by the Debtors from time to time.

8. The amounts sought in this Application do not include any fees that may be payable by the Debtors for services provided by KCC under the Section 156(c) Order. Procedures for the payment of such fees and disbursements are separately addressed in the Section 156(c) Order. Additionally, no fees and disbursements for services provided to the Debtors under the Retention Order are or will be sought to be paid under the Section 156(c) Order.

9. All services for which compensation is requested by KCC were performed on behalf of the Debtors.

### **SUMMARY AND VALUATION OF SERVICES**

10. The amount of time spent by each employee providing services to the Debtors for the Fee Period is detailed in line item listings of time entries and descriptive detail set forth herein and in the invoices attached to the monthly fee applications. These are KCC's normal hourly rates of compensation for work of this character. The reasonable value of the services rendered by KCC for the Fee Period as Administrative Advisor to the Debtors in these chapter 11 cases is \$31,586.40 due for fees. KCC is not seeking reimbursement for any expenses in this Application.

11. During the Fee Period, KCC's professionals performed 100.5 hours assisting the Debtors and their professionals with the preparation of the Schedules of Assets and Liabilities and Statements of Financial Affairs (the "Schedules and Statements"). This included frequent communication with the Debtors and their professionals regarding data, timelines, preparation status, and updates. Additionally, KCC gathered, organized, reviewed, and tracked the Schedules and Statement data and prepared the Schedules and Statements for filing. Additionally, during the Fee Period, KCC's professionals performed 3.7 hours assisting the Debtors and their professionals with the preparation of amended Schedules of Assets and Liabilities and Statements of Financial Affairs (the "Schedules and Statements"). This included communicating with the Debtors' professionals and preparing the amended Schedules and Statements per their request.

12. KCC professionals additionally spent 41.1 hours on the Debtors' solicitation. This included reviewing and commenting on solicitation documents and procedures and coordinating internally and with the Debtors' professionals regarding the solicitation and timing. KCC professionals also communicated internally and with third parties regarding equity voting,

prepared the voting amount spreadsheet, reviewed ballots, and otherwise prepared for the solicitation.

13. KCC believes that the time entries included in the monthly fee applications are in compliance with the requirements of Local Rule 2016-2.

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

### **CONCLUSION**

**WHEREFORE**, KCC respectfully requests that the Court enter an Order: (i) granting the Fee Application and allowing compensation in the amount of \$31,586.40; (ii) directing payment by the Debtors of any amounts outstanding; and (iii) granting such other and further relief as the Court deems just and proper.

Dated: May 30, 2024  
El Segundo, California

/s/ Sarah Harbuck  
**KURTZMAN CARSON CONSULTANTS LLC**  
Sarah Harbuck  
Drake D. Foster  
222 N. Pacific Coast Highway, 3<sup>rd</sup> Floor  
El Segundo, California 90245  
Tel: 310.708.6926

*Administrative Advisor to the Debtors*

**CERTIFICATION**

I, Sarah Harbuck, pursuant to 28 U.S.C. § 1746, state as follows:

- a) I am Assistant General Counsel of the applicant firm, Kurtzman Carson Consultants LLC.
- b) I am familiar with the work performed by Kurtzman Carson Consultants LLC on behalf of the Debtors.
- c) I have reviewed the foregoing Fee Application and the facts set forth therein are true and correct to the best of my knowledge, information and belief. Moreover, I have reviewed Local Rule 2016-2, and submit that the Fee Application substantially complies with such order.

I certify, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information, and belief.

Dated: May 30, 2024  
El Segundo, California

/s/ Sarah Harbuck  
Sarah Harbuck



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Hearing Date: July 17, 2024 at 11:30 a.m. ET

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**NOTICE OF FIRST INTERIM FEE APPLICATION OF  
KURTZMAN CARSON CONSULTANTS LLC, AS ADMINISTRATIVE  
ADVISOR TO THE DEBTORS, FOR THE PERIOD FROM  
FEBRUARY 1, 2024 THROUGH AND INCLUDING APRIL 30, 2024**

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

**PLEASE TAKE NOTICE** that on the date hereof, Kurtzman Carson Consultants LLC (“KCC”) filed the *First Interim Fee Application of Kurtzman Carson Consultants LLC as Administrative Advisor to the Debtors for the Period from February 1, 2024 Through and Including April 30, 2024* (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 June 20, 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.

A HEARING ON THE APPLICATION WILL BE HELD ON **JULY 17, 2024 AT 11:30 A.M. (ET)** BEFORE THE HONORABLE MARY F. WALRATH, UNITED STATES BANKRUPTCY COURT JUDGE, IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 NORTH MARKET STREET, 5th FLOOR, COURTROOM NO. 4, WILMINGTON, DELAWARE 19801.

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**PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE APPLICATION WITHOUT FURTHER NOTICE OR HEARING.**

Dated: May 30, 2024  
Wilmington, Delaware

**LANDIS RATH & COBB LLP**

/s/ George A. Williams III

Matthew B. McGuire (No. 4366)

Joshua B. Brooks (No. 6765)

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*Counsel for the Debtors and Debtors in Possession*