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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARK JOSEPH NEJMEH, Plaintiff, v. **THERIVA BIOLOGICS, INC., STEVEN A. SHALLCROSS, JEFFREY J. KRAWS, JEFFREY WOLF and JOHN MONAHAN,** Defendants.	**Case No. 3:26-cv-00705-ART-CSD** **DECLARATION OF MARK JOSEPH NEJMEH UNDER LOCAL RULE 7-4(a) IN SUPPORT OF HIS EMERGENCY MOTION (28 U.S.C. § 1746)**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff in this case. I make this declaration under Local Rule 7-4(a) in support of my Emergency Motion to postpone Theriva Biologics, Inc.'s November 18, 2026 special meeting. I have personal knowledge of the facts stated here.

2. **Nature of the emergency.** On October 20, 2026, Theriva filed its definitive proxy statement with the SEC, setting its special meeting for November 18, 2026, at 3:30 p.m. local time, in person in Parets del Vallès (Barcelona), Spain, with a record date of October 9, 2026. Theriva's response to the complaint is due December 1, 2026 (ECF No. 40). A motion briefed on the ordinary schedule would not be fully briefed until about November 13, 2026. Once the vote is held, the relief I request cannot be given.

3. **Office addresses and telephone numbers.** Movant: Mark Joseph Nejmeh, P.O. Box 589, Clifton, New Jersey 07012; 732-995-3914; research@warrantwire.com. Counsel for Theriva: Adam Hosmer-Henner and Katrina Weil, McDonald Carano LLP, 100 West Liberty Street, Tenth Floor, Reno, Nevada 89501; (775) 788-2000. Andrew T.

Hambelton, Elizabeth V. Young and Michael D. McQueeney, Blank Rome LLP, 1271 Avenue of the Americas, New York, New York 10020; (212) 885-5345.

4. **Written requests.** On October 17, 2026, I sent Theriva's counsel a letter, by email and by overnight delivery, asking whether Theriva would agree to hold the meeting on December 22, 2026, with a record date of November 30, 2026, and to the other conditions requested in my motion. A true copy is Exhibit 2.

5. **Telephone call and email of October 20, 2026.** On October 20, 2026, at 6:59 p.m. Eastern time, I called McDonald Carano LLP at (775) 788-2000 from my telephone, 732-995-3914, to confer about the meeting. I left a detailed message with the receptionist, who gave her name as Amanda, and a message on a voicemail box without a greeting. At 7:17 p.m. Eastern time, I emailed all five counsel named in paragraph 3, telling them that because the meeting date was now fixed I could not wait until October 26 for their answer, and asking them to call me. At 7:27 p.m. Eastern time, Mr. Hambelton replied that he was available on Thursday, October 22, 2026, at 2:00 p.m. Eastern time by Teams. At 7:39 p.m. Eastern time, I accepted by email to all five counsel and stated that my central request is that the November 18 meeting be postponed until after Theriva answers the complaint, to December 22, 2026, with a record date of November 30, 2026, and that the other requests in my letter are conditions for that postponed meeting, not substitutes for it. True copies of these emails are Exhibit 3. On October 21, 2026, at 8:14 a.m. Eastern time, Mr. Hambelton sent a Microsoft Teams invitation for the conference.

6. **Conference of October 22, 2026.** On October 22, 2026, from 2:00 to 2:12 p.m. Eastern time, I conferred by telephone, calling from my telephone (732-995-3914) into the conference counsel had arranged, with Andrew T. Hambelton and Elizabeth V. Young of Blank Rome LLP, counsel for Theriva. I went through the requests in my October 17 letter, including my central request that the November 18 meeting be postponed until after Theriva answers the complaint, to about December 22, 2026, held

in Rockville, Maryland, with a record date of November 30, 2026, and broadcast live. Mr. Hambelton asked me to state the legal authority for my requests; I said I would set it out in my motion. He said that Theriva follows Nevada law, the SEC's rules and its bylaws; that he did not see how I had standing; that rescheduling the meeting would not change the result; and that if my motion did not state a legal basis, Theriva would move for sanctions. When I asked for a yes or no, he said no to all of my requests. After participating in the meet-and-confer process to resolve the dispute, I have been unable to resolve the matter without court action.

7. **Notice of this motion.** During the conference on October 22, 2026, I told Mr. Hambelton and Ms. Young that I would file this motion. On filing it, I am sending it by email to all five counsel named in paragraph 3, and they also receive it through the Court's electronic filing system.

8. **My attendance at Theriva's meetings.** I attended Theriva's stockholder meetings in Rockville, Maryland in person in 2021, 2022 and 2023. I have not been able to attend any of the meetings Theriva has held in Spain, which offered no way to attend remotely.

9. **Exhibit 1** is a true copy of Theriva's definitive proxy statement filed October 20, 2026 (SEC accession no. 0001104659-26-117417), which I printed from the SEC's EDGAR website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 22, 2026, at Brick, New Jersey.

/s/ Mark Joseph Nejmeh
Mark Joseph Nejmeh