EXHIBIT 2

Plaintiff's letter to Theriva's counsel dated October 17, 2026

Nejmeh v. Theriva Biologics, Inc., No. 3:26-cv-00705-ART-CSD
Declaration of Mark Joseph Nejmeh under Local Rule 7-4(a)

FROM:
Mark Joseph Nejmeh
P.O. Box 589
Clifton, New Jersey 07012
732-995-3914 · research@warrantwire.com

October 17, 2026
*By UPS or FedEx overnight delivery**

TO:

Adam Hosmer-Henner, Esq.
Katrina Weil, Esq.
McDonald Carano LLP
100 West Liberty Street, Tenth Floor
Reno, Nevada 89501

Andrew T. Hambelton, Esq.
Elizabeth V. Young, Esq.
Michael D. McQueeney, Esq.
Blank Rome LLP
1271 Avenue of the Americas
New York, New York 10020

Re: *Nejmeh v. Theriva Biologics, Inc.*, No. 3:26-cv-00705-ART-CSD (D. Nev.): Theriva's planned special meeting

Dear Counsel:

I intend to file a First Amended Verified Complaint against Theriva and Messrs. Shallcross, Kraws, Wolf and Monahan under Sections 14(a), 20(a) and 10(b) of the Securities Exchange Act of 1934 and Nevada fiduciary-duty law, concerning the 2026 proxy statement, the August 3, 2026 vote and how its quorum was reached, Mr. Shallcross's October 2, 2023 statement to me, Theriva's undisclosed patents, and the conduct of Theriva's stockholder meetings.

Theriva's preliminary proxy statement of October 9, 2026 calls a special meeting of stockholders in November, in person only in Spain, with a record date of October 9, 2026, to increase authorized shares to 500,000,000 and to ratify the approval of the 16,184,560 New Warrant shares at issue in this case.

Before I ask the Court for relief, I ask whether Theriva will agree to the following:

(a) hold the meeting on December 22, 2026, in person at Theriva's principal office, 9605 Medical Center Drive, Suite 270, Rockville, Maryland 20850;
(b) set the record date at November 30, 2026, as NRS 78.350 permits;
(c) have the votes counted by an independent inspector of elections, chosen at random from midsize Washington, D.C. CPA firms with no ties to Theriva, its placement agents, its counsel or the New Warrant holders;
(d) broadcast the meeting live, with remote attendance and voting, for stockholders in Spain and anywhere else who cannot attend in Rockville;
(e) put each proposal to a separate vote;
(f) mail a corrected proxy to stockholders of record on November 30, 2026;
(g) tell stockholders, no later than November 2, 2026, so that the transfers can be completed before the November 30 record date, that they may hold their shares in their own names

through Theriva's transfer agent, Equiniti Trust Company (formerly Corporate Stock Transfer, Inc.), 3200 Cherry Creek South Drive, Suite 430, Denver, Colorado 80209;
(h) re-hold, at the same December 22 meeting and under these same conditions, every vote taken at the August 3, 2026 annual meeting, including the election of directors, the auditor ratification, the stock plan amendment, the authorized share increase and the New Warrant share issuance; and
(i) make no at-the-market sales and issue no other new shares until the December 22 vote is certified.

Please let me know by Monday, October 26, 2026 whether Theriva agrees to any of these. If it does not, I will file a motion asking the Court to order them.

Separately, please identify any press release or SEC filing in which Theriva announced to its stockholders the issuance of U.S. Patent No. 12,178,917 (issued December 31, 2024), U.S. Patent No. 12,274,740 (issued April 15, 2025) or U.S. Patent No. 12,318,434 (issued June 3, 2025), each assigned to Theriva Biologics, Inc. Theriva's own list of press releases shows no release with "patent" or "intellectual property" in its title after May 27, 2020.

Also, please provide the complete February 17, 2026 license agreement under which Theriva licensed its SYN-020 program to Rasayana for $300,000 upfront, with all payment, royalty, milestone and termination terms, and identify Rasayana's owners.

Sincerely,

Mark Joseph Nejmeh
Plaintiff, self-represented

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* Also sent by email on October 17, 2026 to ahosmerhenner@mcdonaldcarano.com, kweil@mcdonaldcarano.com, Andrew.Hambelton@blankrome.com, Elizabeth.Young@blankrome.com and Michael.McQueeney@blankrome.com.