EXHIBIT 26

Sworn statements of Mark Joseph Nejmeh, Gary Pitoniak and Paul Bernhardt about the December 15, 2025 meeting

Nejmeh v. Theriva Biologics, Inc., No. 3:26-cv-00705-ART-CSD (D. Nev.)
Cited in the First Amended Verified Complaint, paragraph(s) 71, 73, 74, 75

Personal identifiers redacted under LR IC 6-1.

AFFIDAVIT

WITNESS STATEMENT — SPECIAL MEETING OF STOCKHOLDERS

Theriva Biologics, Inc. · 15 December 2025

PART 1 — WHO YOU ARE

1. My name:

Mark Joseph Nejmeh

2. MY address:

PO BOX 589 Clifton NJ 07012

3. Are you a stockholder of Theriva Biologics, Inc. (NYSE American: TOVX)? Yes I am a shareholder of Theriva Biologics and I own 90191 Shares

4. How do you know Mark Nejmeh, and for how long?

I am Mark Nejmeh

PART 2 — GETTING THERE

5. How did you learn the meeting was taking place, and roughly when?

Public Notice was announced but it said they were a Delaware corporation I thought they were a Nevada Corporation but I attended on December 15. 2025 I was the first shareholder to arrive.

6. Did you receive proxy materials from the company? If so, did you vote in advance or not, and why?

I voted against the inducement of the warrants and against an additional meeting yes. I left the option of voting in person open at the meeting in case I had a change of heart and opinion that is why I attended.

I have owned the stock for four years. "I first bought the stock. When "When my account was with TD Ameritrade, I had the shares in my name."

7. Where was the meeting held, and what time did you arrive?

The meeting was held in Maryland at the Corporate offices of Theriva Biologics I arrived at least 15 minutes early.

PART 3 — WHAT HAPPENED IN THE ROOM

8. Who was present? Give names where you know them, and describe anyone you do not know

I was Present and two other shareholders.

The attorney and all officers were present as far as I know on Zoom. Stephen Shallcross was speaking to open on the Zoom in full voice as well as The Attorney Leslie Marlow. Jeffrey Kraws, Monahan, and Jeff Wolf, There was a gentlemen in the room I believe he was the COO and he operated the computer, I know everybody that was supposedly on zoom. I have been in the stock

for 4 years and initially with TD Ameritrade which was instructed that all my shares I own in all companies are to be registered in my name they carried over to my broker on the buyout .My broker current is Schwab.

9. Describe what happened, in the order it happened, from when you entered the room to when you left.

Meeting was opened by Shallcross. He started to say that there was not a quorum and was going to close the meeting then I said wait and asked a series of questions.

1. How many shares are currently outstanding. He said that he did not know and then Attorney Marlow said he had to know and he said 33900000

2. I stated that the reports were vague and illegible. He should make them more clear. I told Shallcross that he should do ATM sales like other companies. I also was told by Shallcross that they are a small company and they are constrained at how many shares they can sell into the market. I asked both Stephen Shallcross and Leslie Marlow if the were working with organized crime. Leslie Marlow laughed. I told them I was serious it fits what I have seen in my life experience.

10.Was anything said about a quorum? Write down what was said and who said it, as close to word for word as you can manage.

Shallcross said that there was no quorum and tried to close the meeting but then I started asking questions.

11. Was anything said about holding the meeting again on another date?

Add the meeting. "As I was asking many questions...Direct them to the attorney. "Direct them to Stephen Chow Cross. "Would it be December 22nd? I said fine." ""That sounds like it's Hanukkah." But I'll be there.

12. Did any shareholder present say anything in response "Yes, other shareholders. Agreed to attend the meeting.

13. Have you discussed this meeting with anyone else who was there, before writing this statement? "I am personally acquainted with all the stockholders present at the meeting, and I discussed. Afterward, in the parking lot of the Marriott, I think we went inside and had coffee.

PART 4 — ANYTHING AFTERWARD

14.Did anyone from the company, or any lawyer, contact you after the meeting? If so: who,when, by what method, and what was said? "After a brief goodbye, to the other shareholders at the Marriott. I got in my truck and started heading south to Florida. "When I was in Virginia. Somewhere around P. "A military base. "I got a call. From ""From Synthetic Biologics: on my telephone – 7329953914. The person That called me. ""On my phone, the attorney wanted to speak to me. And he patched me in." "After a brief pause, Attorney Leslie Marlow spoke in a very friendly manner. You don't really want to have the meeting On "On December 22nd, I said, in my opinion. There should not be another meeting. That another meeting should not be continued. I said thats the whole point of the special meeting vote. There should not be another meeting. She said Oh well we will just start all over again. I said the whole idea of the warrants was unfair and the company should stop playing games.

15. Have you written to the company about the meeting, or requested any records? If so, attach a copy of what you sent and any reply. I have written to the company requesting voting records and accounting payment records to show how they are wasting money on each special meeting attempt.

I have been ignored please see copies of my certified receipts and the letters vI havew sent.

PART 5 — ANYTHING ELSE

16. Is there anything else you saw or heard that day that you think matters? Write it

here. I define the actions that the company has been taking through a mathematical theory called Triggeredshort.com Look at it an compare what they have been doing for yourself.

DECLARATION

I have read the above. **Every word of this statement was written by me.** No one told me what to write. It is a true account of what I personally saw and heard, to the best of my memory. Where Idid not remember something, I said so.

Signature: _____

Printed name: Mark Nemich

Date: 9-16-2026

Notary

State of Nevada · County of Washoe

Subscribed and sworn to before me this 16th day of September, 2026.

Notary Public: _____

My commission expires: 02-25-2029.

MITCHELL WAYNE HARRIGAN
Notary Public - State of Nevada
County of Washoe
Appt. No. 25-3346-02
My Appt. Expires: February 25, 2029

AFFIDAVIT

Special meeting of stockholders of Theriva Biologics, Inc., 15 December 2025

READ FIRST. Write your own account, in your own words, without reading anyone else's. Do not copy another witness. Three statements that read alike invite the argument that they were coordinated; three that differ on small details and agree on what matters are far harder to attack. Have it notarized the same day you sign it. If any question does not apply to you, or you do not remember, write that — "I do not recall" is a truthful answer and it costs you nothing.

This form is a blank shell prepared for the witness's own use. It is not legal advice. Have counsel review it before signing if you are able. Notary wording and identification requirements vary by state — the notary will use the form required where you sign.

Caption

STATE OF	
COUNTY OF	

AFFIDAVIT OF _____

Being first duly sworn upon oath, the undersigned deposes and states as follows:

1. Who I am

1. **My full name, and my address.**
GARY LAWRENCE PITONIAK
[redacted] CLIFTON, NJ [redacted]

2. **I am a stockholder of Theriva Biologics, Inc. State how many shares you held on 15 December 2025, and where they are held — street name at a broker, or registered directly.**
I OWNED 36,111 SHARES OF THERIVA BIOLOGICS, INC ON DECEMBER 15, 2025. THE SHARES ARE HELD IN MY E*TRADE BROKERAGE ACCOUNT. I PURCHASED THROUGH E*TRADE FROM MORGAN STANLEY. MORGAN STANLEY WORLD HEADQUARTERS ADDRESS – 1585 BROADWAY, NY, NY 10036

2. The meeting

3. **Did you attend the special meeting of stockholders of Theriva Biologics, Inc. on 15 December 2025 in person? Where was it held, and what time did you arrive?**
I ATTENDED THE SPECIAL MEETING OF STOCKHOLDERS OF THERIVA (CONT).

3. What was said about a quorum

7. What was said about whether a quorum was present? Give the words as closely as you remember them. INITIALLY, STEVEN SHALLCROSS WAS ENDING THE MEETING STATING THERE WAS NO QUORUM. A GENTLEMAN NAMED MARK NEJMEH STATED THERE WAS A QUORUM AND PROCEEDED TO ASK MANY QUESTIONS. HE WANTED TO KNOW HOW MANY OUTSTANDING SHARES THERE WERE, SAID FUNDING SHOULD BE RAISED BY ATM, AND OBJECTED TO 16,000,000 WARRANTS BEING ISSUED. PAUL WANTED MINUTES OF THE MEETING. I AM NOT SURE IF THEY WERE EVER PROVIDED TO HIM.

4. The date of 22 December — the part that matters most

Answer questions 8 through 12 as precisely as you can. This is the heart of the affidavit.

8. Was a date proposed for the meeting to reconvene? What date? I BELIEVE THE DATE PROPOSED WAS DECEMBER 22, 2025. I KNOW THAT BECAUSE I WAS GOING TO ARRANGE MY SCHEDULE AND DRIVE TO MARYLAND ON SUNDAY, DECEMBER 21, 2025.

9. Who proposed it? Name the person if you can, or describe them. I DID NOT SEE THE PERSON SINCE I WAS NOT IN POSITION TO VIEW THE LAPTOP. STEVEN SHALLCROSS WAS THE VOICE WHO WAS SPEAKING WHEN THE DATE OF DECEMBER 22, 2025 WAS ANNOUNCED.

10. What did you say in response? Give your own words as closely as you remember them. I DID NOT SAY ANYTHING IN RESPONSE OUT LOUD ALTHOUGH KNEW I WOULD ATTEND. IT'S POSSIBLE I MAY HAVE AFFIRMED IN WORD ALTHOUGH I CANNOT 100% SAY. WHEN THE MEETING WAS OVER, I WAS PLANNING MY TRIP IN MY MIND FOR THE FOLLOWING WEEK.

BIOLOGICS ON DECEMBER 15, 2025 IN PERSON. THE MEETING WAS HELD @ 9605 MEDICAL CENTER DRIVE, SUITE 270, ROCKVILLE, MD 20850. I ENTERED THE BUILDING WITHIN A MINUTE OR TWO BEFORE 9:00AM I PARKED IN A LOT WHICH WAS NOT EXACTLY NEXT TO #9605 AND IT TOOK ME A FEW MINUTES TO ENTER. I BELIEVE I ENTERED SUITE 270 BETWEEN 9:00 AM - 9:08AM.

4. **Who else was physically present in the room? Name everyone you can, stockholders and company people alike.** I WAS ATTENDING MY FIRST STOCKHOLDERS' MEETING, AND WAS SURPRISED TO SEE ONLY 3 INDIVIDUALS HAD BEEN PRESENT. I WAS THE FOURTH TO ARRIVE, AND NO ONE ELSE WAS THERE IN PERSON. SITTING TO THE LEFT DIAGONALLY ACROSS FROM "TJ", WAS MARK AND ORIGIALLY 2 OR 3 SEATS TO MY ORIGINAL LOCATION (ON MY RIGHT) WAS A GENTLEMAN NAMED PAUL. THREE STOCKHOLDERS, AND ONE ADMINISTERING THE MEETING.

5. **Who ran the meeting? Describe that person however you can — name, title, or description if you did not catch the name.** I BELIEVE THE GENTLEMAN'S NAME WAS EITHER TJ or JT. HE WAS AN EMPLOYEE OF THERIVA BIOLOGICS, I BELIEVE ALTHOUGH NOT ONE OF THE FOUR BOARD MEMBERS NAMED FOR VOTE.

6. **Was anyone participating remotely? Could you see them, hear them, or both?** IF I SAT DIRECTLY NEXT TO, OR STOOD BEHIND THE GENTLEMAN RUNNING THE MEETING, I COULD HAVE BEEN ABLE TO SEE AND HEAR THE OTHER INDIVIDUALS. WHY WERE THEY ONLY VISIBLE TO HIM? I HEARD STEVEN SHALLCROSS AND A FEMALE ATTORNEY BY THE NAME OF LESLIE.

ADDITIONAL INFORMATION FOR QUESTION 3. UPON ENTERING THE MEETING, I PRESENTED MY IDENTIFICATION STATING I WAS INDEED A SHAREHOLDER. I ORIGINALLY SAT ACROSS FROM THE GENTLEMAN CONDUCTING THE MEETING, ALTHOUGH WAS NOT ONE OF THE FOUR NOMINEES ON THE BALLOT. ORIGINALLY SITTING ACROSS THE ROOM, I MOVED CLOSER TO THE PERSON CONDUCTING THE MEETING FROM HIS LAPTOP. I SAT 2 SEATS TO HIS RIGHT SO I COULD HEAR BETTER.

11. What did the other stockholders present say in response? Do not guess — write only what you actually heard. WHEN THE DATE OF DECEMBER 22, 2025 WAS STATED, MARK AND PAUL STATED VERBALLY THEY WOULD ATTEND.

12. Did anyone present object to that date, or say they could not attend? If so, who, and what did they say? NO ONE OBJECTED TO THE DATE OF DECEMBER 22ND.

5. After the meeting

13. Did anyone from the company or its counsel contact you after the meeting on 15 December 2025? If so: who, roughly what time, by what means, and what was said?

NO ONE FROM THERIVA BIOLOGICS OR ITS COUNCIL CONTACTED ME DIRECTLY. I DON'T BELIEVE THEY VIEWED ME AS IMPORTANT OR A THREAT SINCE I WAS MOSTLY QUIET DURING THE SHAREHOLDERS MEETING.

14. Did the meeting reconvene on 22 December 2025? If you attended or attempted to attend, say what happened. THE MEETING DID NOT RECONVENE ON DECEMBER 22, 2025.

6. Anything else

15. Is there anything else about that meeting you believe is accurate and important? Write only what you personally saw or heard. I ENTERED THE MEETING IN GOOD FAITH WITH LEARNING MORE ABOUT MY INVESTMENT AND COMPANY'S PROGNOSIS. I WAS SHOCKED THERE WERE ONLY 3 STOCKHOLDERS PRESENT AND OWNERSHIP RAN THE MEETING VIA LAPTOP ONLY VISIBLE TO THE GENTLEMAN RUNNING THE MEETING.

7. Oath

I declare under penalty of perjury that the foregoing is true and correct to the best of my own knowledge, information and belief. The statements above describe what I personally saw and heard.

Gary Lawrence Pitoniak
Signature of affiant

GARY LAWRENCE PITONIAK
Printed name

9/14/2026
Date signed

Notary

The notary will use the acknowledgment or jurat wording required in the state where this is signed. The block below is a general form only — do not fill it in yourself.

Subscribed and sworn to before me this 14 day of Sept, 2026,
by GARY LAWRENCE PITONIAK, who is personally known to me
or produced DRIVER LICENSE as identification.

Notary Public signature

Ruth Martinez
Printed name · Commission number · My commission expires

RUTH E. MARTINEZ
NOTARY PUBLIC OF NEW JERSEY
COMM. NO. 50209973
My Commission Expires May 12, 2028

Affix seal here

WITNESS STATEMENT — SPECIAL MEETING OF STOCKHOLDERS
Theriva Biologics, Inc. · 15 December 2025

PART 1 — WHO YOU ARE

1. Your full legal name: Paul Bernhardt

2. Your address: [redacted] Toms River NJ [redacted]

3. Are you a stockholder of Theriva Biologics, Inc. (NYSE American: TOVX)? If yes, roughly how many shares did you hold on 15 December 2025, and were they held in your own name with the transfer agent or through a broker?

Answer: I have 157,000 shares held with Charles Schwab NY

4. How do you know Mark Nejmeh, and for how long?

Answer: I know mark for approximately 1 year. We met at the local gym in Brick NJ.

PART 2 — GETTING THERE

5. How did you learn the meeting was taking place, and roughly when?

Answer: I learned of the meeting thru the proxy vote announcement from my broker approximately November 2025

6. Did you receive proxy materials from the company? If so, did you vote in advance or not, and why?

Answer: I voted in advance of the December 15, 2025

7.Where was the meeting held, and what time did you arrive?

Answer: The meeting was held at Theriva Biologics corporate headquarters, 9605 Medical Drive, Suite 270, Rockville MD, 20850

PART 3 — WHAT HAPPENED IN THE ROOM

8.Who was present? Give names where you know them, and describe anyone you do not know (company staff, lawyers, other shareholders).

Answer: Besides myself attendees are listed here: Mark Nejmeh Shareholder, Gary Pitoniak, Shareholder, A heavyset person who ran the zoom computer referred by Stephen Shallcross as "TJ" who is the company controller, Stephen Shallcross, CEO on zoom although I could only hear his voice, the video was not projected to the room, Lesley Marlow ESQ corporate attorney who was also voice only not shown on video.

9.Describe what happened, in the order it happened, from when you entered the room to when you left.

Answer: First Stephen Shallcross said there was no quorum (with 3 shareholders present) and said we could adjourn to 12/22/26 at which point Mark Nejmeh said I have questions. Mr Nejmeh asked how many outstanding shares there were currently. Mr Shallcross said I don't know and Lesley Marlow said to Mr Shallcross that he must answer. I believe Mr Shallcross said 33 million shares were outstanding. Nejmeh asked if Mr Shallcross was continuing a pattern of a stock dilution death spiral in tovx similar to the fate of prior companies where Shallcross had direct involvement and Mr Nejmeh also asked whether Mr Shallcross et al were working in an organized criminal pattern which Mr Shallcross denied. A this point Ms Marlow laughed. Then Mr Nejmeh asked how much new capital the warrant proposal would bring in, Mr Shallcross declined to comment. Then Mr Shallcross and Lesley Marlow proposed a new meeting for the following week on 12/22/25. All shareholders said they would attend. I said I'll be there as well. I then asked TJ for a transcript of the meeting and he referred me to the Theriva public relations office. I called the office and left a message requesting a meeting transcript and followed up with email but the company never responded.

10.Was anything said about a quorum? Write down what was said and who said it, as close to word for word as you can manage.

Answer: Stephen shall cross said we don't have a quorum.

11.Was anything said about holding the meeting again on another date?

Answer: Stephen Shallcross announced to the group there would be a new meeting held in one week on 12/22/26. No one was asked to vote on having a meeting on 12/22/26.

12. Did any shareholder present say anything in response? What, and who?

Answer: I said I'll attend, Mr Nejmeh said he would attend, Gary Pitoniak said he would attend.

13.Have you discussed this meeting with anyone else who was there, before writing this statement? If yes, with whom, and roughly when?

Answer: I discussed the meeting with Mark Nejmeh and Gary Pitoniak after the meeting on 12/22/26 in the Starbucks inside the hotel since it was a very cold December day. I have posted my comments about the meeting to stock twits and also after the meeting made a note to myself via email. See attached

PART 4 — ANYTHING AFTERWARD

14.Did anyone from the company, or any lawyer, contact you after the meeting? If so: who, when, by what method, and what was said?

Answer: No one contacted me after the meeting.

15. Have you written to the company about the meeting, or requested any records? If so, attach a copy of what you sent and any reply.

Answer: At the meeting I requested from TJ a copy of the meeting transcript as stated earlier. He referred me to the Theriva public relations department, yet I received no response from them. See attached email sent 12/16/25 to Chris Calabrese @ lifesciadvisors.com. requesting transcript.

PART 5 — ANYTHING ELSE

16. Is there anything else you saw or heard that day that you think matters? Write it here.

DECLARATION

I have read the above. **Every word of this statement was written by me.** No one told me what to write. It is a true account of what I personally saw and heard, to the best of my memory. Where I did not remember something, I said so.

Signature: Paul Bernhardt

Printed name: PAUL Bernhardt

Date: 8/27/26

Notary

State of New Jersey · County of Ocean

Subscribed and sworn to before me this 27th day of August, 2026

Notary Public: Lynn R. O'Toole

My commission expires: 9/28/26

LYNN R. O'TOOLE
Notary Public, State of New Jersey
My Commission Expires 9/28/2026

Transcript request for special meeting 12/15/25

From: paul bernhardt (pfbernhardt@yahoo.com)
To: ccalabrese@lifesciadvisors.com
Bcc: pfbernhardt@yahoo.com
Date: Tuesday, December 16, 2025 at 12:44 PM EST

Hello Chris,
I attended the special meeting yesterday and asked the person running the laptop zoom if I could get a transcript meeting. Sorry I don't know his name but he directed me to you with my request. Please advise.

Thank you
Paul Bernhardt

ORIGIN ID:TRJKO (917) 676-8985
PAUL BERNHARDT
[redacted]
TOMS RIVER, NJ
UNITED STATES US

ACTWGT: 0.15 LB
CAD: 6570183/INSA2710

TO CC: LESLIE MARLOW, ESQ.
BLANK ROME LLP
1271 AVE OF THE AMERICAS

NEW YORK CITY NY 10020

(800) 000-0000 REF: DEPT:

FedEx Express

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Paul Bernhardt
[redacted]
Toms River, New Jersey [redacted]
917 676 8985
pfbernhardt@yahoo.com
June 4, 2026
Via Certified Mail #
Via Federal Express # 872671856082

Theriva Biologics SL
Attn: Corporate Secretary & Board of Directors
Carrer Torrent de Can Ninou, naus 5-6
08150 - Parets del Vallès (Barcelona)
Spain

Theriva Biologics, Inc.
Attn: Corporate Secretary & Board of Directors
9605 Medical Center Drive, Suite 270
Rockville, MD 20850

CC:Leslie Marlow, Esq.
Blank Rome LLP
1271 Avenue of the Americas New York, NY 10020

RE: DEMAND FOR CORPORATE RECORDS UNDER NRS § 78.257 – DECEMBER 15, 2025 SPECIAL MEETING MINUTES AND RAW VOTING LEDGERS To the Board of Directors, Corporate Secretary, and Corporate Counsel: I am writing to issue a strict, formal demand for corporate records. I am an individual investor who has continuously held shares of Theriva Biologics, Inc. ("TOVX" or the "Company") for nine months. My nine month holding history grants me an absolute statutory right under Nevada Revised Statutes (NRS § 78.257) to inspect and copy the books, records, and voting ledgers of the Company.This demand specifically concerns the corporate minutes, proxy voting ledgers, and administrative actions surrounding the Special Meeting of Stockholders called on December 15, 2025, at the Company's office in Rockville, Maryland.

588 Route 70 Ste 2
Brick, NJ 08723-4023
732.279.0200

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Meeting draft

From: paul bernhardt (pfbernhardt@yahoo.com)
To: pfbernhardt@yahoo.com
Date: Tuesday, December 16, 2025 at 01:13 PM EST

I attended the Theriva Biologics special meeting to approve 16mil new warrants on Monday 12/15. Stephen Shallcross and company attorney Lesley MARK? attended by Zoom and quickly moved tc the meeting for lack of proxy quorum but another attendee Mark Nejmea wouldn't let it happen. He seemed to really know his stuff, engaging the reps with a series of questions which prompted more few silent pauses. Nejmeh asked if Shallcross was continuing a pattern of a stock dilution death spi tovx similar to the fate of prior companies where Shallcross had direct involvement. This guy Nejm was on fire suggesting that Shallcross et al were working in an organized pattern, perhaps criminal, suggestion that the CEO denied. When asked how much new capital the warrant proposal would br Shallcross again declined to comment. In what appears to be a move to send 16 mil warrants to a sp class of investors, ie not you and me, it was clear to the three of us in the room that Shakespear's qu somethings rotten in Denmark' was apropos for this almost non-meeting meeting. A new special m was scheduled for the following Monday 12/22 but I discovered the rescheduled meeting and the w proposal has been scrapped and a new warrant proposal would be filed within 60 days. At the end meeting, I requested a transcript of the proceedings, and Nejmeh also requested that the meeting be broadcast so all shareholders could hear first hand what's being disclosed…or not.