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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 IDENTIFYING THE EXHIBITS TO THE FIRST AMENDED VERIFIED COMPLAINT**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff in this case and represent myself. I am over eighteen years old. I make this declaration from personal knowledge, and I could testify to these facts if called as a witness. I submit it with my First Amended Verified Complaint to identify the exhibits cited in it.

The Associated Press article

2. **Exhibit 1** is the Associated Press article of December 2, 2025, "Michael and Susan Dell donate $6.25 billion to encourage families to claim 'Trump Accounts'," as published on Yahoo Finance at the address shown on the cover sheet, printed at my direction.

My letters to Theriva's counsel

3. **Exhibit 2** is a true and correct copy of my letter dated October 17, 2026 to Theriva's counsel at Blank Rome LLP and McDonald Carano LLP. **Exhibit 3** is a true and correct copy of my second letter of the same date to the same counsel. I sent both

letters by email on October 17, 2026, and I shipped both, in one envelope to each firm, by FedEx 2Day on October 17, 2026.

Theriva's SEC filings and other public filings

4. Exhibits 4 through 10, 12 through 14, 19, 20 and 25 are true and correct copies of pages of documents filed with the Securities and Exchange Commission and published on its EDGAR system. They were printed at my direction from the SEC's website, at the addresses shown on each exhibit's cover sheet, and they were compared at my direction with the documents on EDGAR. Where only some pages of a document are reproduced, the cover sheet lists the pages, and the complete document is publicly available at the address shown.

5. **Exhibit 4** is Theriva's Form 8-K filed October 17, 2025 (Accession No. 0001104659-25-100468), complete, with pages of its Exhibit 10.1, the warrant inducement letter.

6. **Exhibit 5** is pages of Theriva's Form 10-Q for the quarter ended June 30, 2026 (Accession No. 0001104659-26-093786).

7. **Exhibit 6** is pages of Theriva's Form 10-Q for the quarter ended September 30, 2025 (Accession No. 0001104659-25-109828).

8. **Exhibit 7** is the Schedule 13G filed July 31, 2025 (Accession No. 0000902664-25-003293) and the Schedule 13G/A filed October 21, 2025 (Accession No. 0000902664-25-004480) by Empery Asset Management, LP, Ryan M. Lane and Martin D. Hoe, reporting their holdings of Theriva common stock.

9. **Exhibit 8** is Theriva's Form 8-K filed August 4, 2026 (Accession No. 0001104659-26-090064), reporting the results of the August 3, 2026 annual meeting.

10. **Exhibit 9** is pages of Theriva's preliminary proxy statement filed October 9, 2026 (Accession No. 0001104659-26-115074).

11. **Exhibit 10** is Theriva's Form 8-K filed February 18, 2026 (Accession No. 0001104659-26-016792), with pages of its Exhibit 10.1, the license agreement with

Rasayana Therapeutics, Inc., including its Exhibit A list of licensed patents.

12. **Exhibit 12** is pages of the Form 8-K filed July 17, 2025 by Volcon, Inc. (Accession No. 0001683168-25-005160) and of the Form S-3ASR filed August 18, 2025 by Empery Digital Inc., formerly Volcon, Inc. (Accession No. 0001683168-25-006260), including its table of selling stockholders.

13. **Exhibit 13** is Theriva's Form 8-K filed July 29, 2022 (Accession No. 0001104659-22-084301) with pages of its Exhibit 10.1, the securities purchase agreement with MSD Credit Opportunity Master Fund, L.P.; pages of Theriva's definitive proxy statement filed August 16, 2022 (Accession No. 0001104659-22-091820); and Theriva's Form 8-K filed October 3, 2022 (Accession No. 0001104659-22-105229), reporting the results of the September 30, 2022 annual meeting. I attended that meeting in person.

14. **Exhibit 14** is pages of the Schedule 13D/A filed April 7, 2022 by MSD Partners, L.P., MSD Credit Opportunity Master Fund, L.P., MSD Capital, L.P., Michael S. Dell and others, concerning Independence Contract Drilling, Inc. (Accession No. 0001123292-22-000083).

15. **Exhibit 19** is pages of the Amended and Restated Employment Agreement between Theriva and Steven A. Shallcross effective August 10, 2026, filed as Exhibit 10.1 to Theriva's Form 10-Q filed August 11, 2026 (Accession No. 0001104659-26-093786), and of their Employment Agreement effective March 3, 2025, filed as Exhibit 10.36 to Theriva's Form 10-K filed March 6, 2025 (Accession No. 0001410578-25-000285).

16. **Exhibit 20** is pages of Theriva's Form 8-K filed May 7, 2025 (Accession No. 0001104659-25-045309), Exhibit 99.1; the Form 8-K filed April 13, 2026 by Revolution Medicines, Inc. (Accession No. 0001193125-26-152039); and the cover page of the Form 10-Q filed August 5, 2026 by Revolution Medicines, Inc. (Accession No. 0001193125-26-335104).

17. **Exhibit 25** is Theriva's press release dated February 18, 2026, filed as Exhibit 99.1 to its Form 8-K filed February 18, 2026 (Accession No. 0001104659-26-016792), and pages of Theriva's Form 10-K for the year ended December 31, 2025 (Accession No. 0001104659-26-026767).

Other public records

18. **Exhibit 15** is Theriva's press release dated October 24, 2025, "Theriva Biologics Provides Response to Unusual Market Action," printed at my direction from Theriva's website at the address shown on the cover sheet.

19. **Exhibit 16** is the Yahoo Finance page for TOVX showing the October 24, 2025 trading day, as preserved by the Internet Archive at the address shown on the cover sheet, printed at my direction.

20. **Exhibit 17** reproduces, unchanged, every line for TOVX in the SEC's published fails-to-deliver data files named on its cover sheet, which were downloaded at my direction from the SEC's website.

21. **Exhibit 18** is the MarketWatch page for TOVX as preserved by the Internet Archive on October 24, 2025, at the address shown on the cover sheet, printed at my direction.

22. **Exhibit 21** reproduces, rounded to cents, the daily open, high, low and closing prices and volume of Revolution Medicines, Inc. and Theriva common stock on September 22, 2026 and October 16, 2026, and of Theriva common stock on March 3, 2021 (converted to the price actually traded that day, as its cover sheet explains), from Yahoo Finance historical price data retrieved at my direction from the address shown on its cover sheet.

23. **Exhibit 22** is pages for Synthetic Biologics, Inc. (now Theriva) on finviz.com dated August 17 and 24, 2018, and on Yahoo Finance dated August 10, 2022, as preserved by the Internet Archive at the addresses shown on its cover sheet, printed at my direction.

24. **Exhibit 23** reproduces, rounded to cents, the daily open, high, low and closing prices and volume of Theriva common stock from August 26 to October 3, 2024, from Yahoo Finance historical price data retrieved at my direction from the address shown on its cover sheet.

25. **Exhibit 24** is a summary under Federal Rule of Evidence 1006, prepared at my direction, of Theriva's shares outstanding from 2017 to 2026 as stated on the cover pages of its Forms 10-Q and 10-K and in its reverse split Forms 8-K, shown as a chart, and a timeline of the events alleged in the First Amended Verified Complaint with the source of each. The underlying documents are public and are identified in the exhibit.

The patent summary

26. **Exhibit 11** is a summary under Federal Rule of Evidence 1006 of the United States patents issued to Theriva and its former names and subsidiary, and of Theriva's press releases announcing them. It was prepared at my direction from the sources stated on its cover sheet: the published records of granted U.S. patents and the 362 press releases posted on Theriva's website from February 16, 2012 to September 30, 2026, together with the press releases Theriva filed with the SEC. The underlying records are public, and I will make copies available to Defendants on request.

27. Exhibit 26 is a true and correct copy of my notarized affidavit about the December 15, 2025 meeting, the notarized affidavit of Gary Pitoniak, and the statement and notes of Paul Bernhardt, as filed with my original Verified Complaint (ECF No. 4-3 at 183–185 and 187–191; ECF No. 4-4 at 2–7), with home street addresses redacted under Local Rule IC 6-1.

28. Exhibit 27 is a true and correct copy of my T-Mobile call records showing the call I received on December 15, 2025, as filed with my original Verified Complaint (ECF No. 4-3 at 19–21).

29. Exhibit 28 is a true and correct copy of the pages, as filed with my original Verified Complaint (ECF No. 4-4 at 9–20), of Theriva's Form 8-K reporting its Second

Amended and Restated Bylaws, effective October 3, 2023, and of those bylaws.

30. Exhibit 29 is a true and correct copy of the written demands for records that Paul Bernhardt and I sent to Theriva and its counsel, and of the letter of June 24, 2026 from Andrew T. Hambelton of Blank Rome LLP, as filed with my original Verified Complaint (ECF No. 4-3 at 5–14 and 16–17), with home street addresses redacted under Local Rule IC 6-1.

31. Documents already filed in this case are cited by their ECF numbers and are not attached again. SEC filings cited in the First Amended Verified Complaint by accession number and not attached are public on the SEC's EDGAR system.

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 31, 2026.

/s/ Mark Joseph Nejmeh
Mark Joseph Nejmeh, Plaintiff, self-represented
P.O. Box 589, Clifton, New Jersey 07012
732-995-3914 · research@warrantwire.com

INDEX OF EXHIBITS

Exhibit	Description
1	Associated Press article, Dec. 2, 2025, on the Dell pledge for children's investment accounts
2	Letter from Plaintiff to Theriva's counsel, October 17, 2026
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11	Summary under Fed. R. Evid. 1006: Theriva's U.S. patents and its press releases
12	Volcon, Inc. Form 8-K filed July 17, 2025 and Empery Digital Inc. Form S-3ASR filed Aug. 18, 2025, pages
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20	Theriva Form 8-K filed May 7, 2025, Ex. 99.1 (Acc. 0001104659-25-045309); Revolution Medicines, Inc. Form 8-K filed Apr. 13, 2026 (Acc. 0001193125-26-152039) and Form 10-Q cover filed Aug. 5, 2026 (Acc. 0001193125-26-335104), pages
21	Daily prices of Revolution Medicines (RVMD) and Theriva (TOVX), Sept. 22 and Oct. 16, 2026 (Yahoo Finance historical data)
22	finviz.com pages for SYN, Aug. 17 and 24, 2018, and Yahoo Finance page for SYN, Aug. 10, 2022, Internet Archive captures

23	Daily prices and volume of Theriva (TOVX), Aug. 26 to Oct. 3, 2024 (Yahoo Finance historical data)
24	Summary under Fed. R. Evid. 1006: chart of Theriva's shares outstanding, 2017–2026, and timeline of the events alleged
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26	Sworn statements of Mark Joseph Nejmeh, Gary Pitoniak and Paul Bernhardt about the December 15, 2025 meeting (home street addresses redacted)
27	Plaintiff's T-Mobile call records showing the December 15, 2025 call
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29	Records demands of Paul Bernhardt and Plaintiff, and Blank Rome LLP letter of June 24, 2026 (home street addresses redacted)

Each exhibit is preceded by a cover sheet stating its number and description (Local Rule IA 10-3(e)).