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Plaintiff, self-represented

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** **PLAINTIFF'S MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT FOR HIS REPLY IN SUPPORT OF ECF NO. 42 (LR 7-3(c))**

Plaintiff Mark Joseph Nejmeh, self-represented, asks the Court's permission under Local Rule 7-3(c) to file a reply in support of his motion for preliminary injunction (ECF No. 42) of up to 24 pages, excluding exhibits. That is 12 pages more than the 12 pages Local Rule 7-3(b) allows, and it includes the table of contents and table of authorities that Local Rule 7-3(c) requires. The reply is due November 12, 2026 (ECF No. 49), so this motion is filed before the reply is due. Plaintiff's declaration accompanies it.

MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 7-3(c) allows additional pages on a showing of good cause. Good cause exists for four reasons.

First, the claims the reply must address have changed. The Court has ruled that it "will adjudicate the preliminary injunction based on the claims raised in the first amended complaint." ECF No. 49. ECF No. 42 is 8 pages and was filed October 22, 2026, before leave to amend was granted. The First Amended Verified Complaint (ECF

No. 46, Exhibit A) has 128 paragraphs, five counts and five defendants. Theriva's response addresses ECF No. 41, which the Court did not accept as filed. ECF No. 50 at 4, 10; ECF No. 45. The reply must apply the preliminary-injunction factors, *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008), to the operative complaint.

Second, the facts have changed. On November 2, 2026, Theriva filed a Form 8-K (Accession No. 0001104659-26-121318) reporting the sale of its SYN-004 and SYN-007 programs and SYN-006-related assets, signed and closed on October 30, 2026, eight days after ECF No. 42 was filed. Plaintiff could not have addressed that sale in ECF No. 42, and Theriva's response does not mention it. The reply must also address the irreparable-harm ground on which the Court denied Plaintiff's earlier request (ECF No. 33) as it applies to the November 18, 2026 meeting.

Third, Theriva's response runs 19 pages, adopts the background in two earlier briefs (ECF No. 50 at 5), attacks each count, and asks for a substantial bond and a pre-filing order, while reserving Rule 11. ECF No. 50 at 13-14, 17-19. Plaintiff, who represents himself, must answer each ground it raises.

Fourth, no one is prejudiced. Plaintiff seeks no extension and no new relief in the reply. No date in ECF No. 49 changes. The Court granted Plaintiff's earlier request for additional reply pages. ECF No. 27; ECF No. 33 at 10.

Plaintiff therefore asks the Court to grant him leave to file a reply in support of ECF No. 42 of up to 24 pages, excluding exhibits.

Dated: November 7, 2026

Respectfully submitted,

/s/ Mark Joseph Nejmeh

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