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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 IN SUPPORT OF REPLY ON ECF NO. 42 (28 U.S.C. § 1746)**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff and I represent myself. I make this declaration from personal knowledge in support of my reply on ECF No. 42.

2. I held 90,191 shares on the October 9, 2026 record date and hold the same number today. I have not bought or sold any since filing this case on September 16, 2026.

3. I first bought this stock in August 2021, after I thought I had C. difficile and found that the company, then named Synthetic Biologics, held a patent for it. I moved into my truck in August 2024 believing in the future of the drugs, on the strength of the company's good news over the years.

4. The following are true copies of what they are described to be. SEC filings came from the SEC's EDGAR system and are identified by accession number. Where a document is long, the exhibit is the first page and the pages cited, under a cover sheet, and each page of an exhibit is numbered.

Reply Ex. 1: U.S. Patent No. 9,290,754, first page and claim 18, as shown on Google Patents.

Reply Ex. 2: Theriva Form 8-K filed November 2, 2026, with Exhibit 99.1 and the first pages of Exhibit 10.1 (0001104659-26-121318).

Reply Ex. 3: The Globe and Mail web page, "Backed by Peter Thiel and OpenAI, Toronto startup Biossil aims to give failed drugs new life with AI," printed November 7, 2026.

Reply Ex. 4: BetaKit article, "Biossil hits unicorn status with new OpenAI-led financing," printed November 7, 2026.

Reply Ex. 5: Theriva's web page therivabio.com/our-pipeline/ as it appeared on November 7, 2026 (excerpts).

Reply Ex. 6: Form 10-K filed February 22, 2018 (0001144204-18-010286) (excerpts).

Reply Ex. 7: Form 10-Q filed November 10, 2020 (0001104659-20-123646) (excerpts).

Reply Ex. 8: Prospectus supplement filed February 19, 2021 (0001104659-21-025447) (excerpts).

Reply Ex. 9: Form 10-K filed March 16, 2022 (0001410578-22-000405) and Forms 10-Q showing 2021 quarter-end cash (0001410578-22-001679, 0001410578-22-002238, 0001410578-22-003167) (excerpts).

Reply Ex. 10: Form 8-K filed December 14, 2021, with Exhibit 99.1 (0001104659-21-149412) (excerpts).

Reply Ex. 11: Form 10-Q for the quarter ended June 30, 2026 (0001104659-26-093786) (excerpts).

Reply Ex. 12: Form 8-K filed August 11, 2026, Exhibit 99.1 (0001104659-26-093782), first page.

Reply Ex. 13: Heat Biologics, NightHawk and Scorpius Forms 8-K: 0001553350-18-000494, 0001558370-23-019741, 0001079973-24-001136, 0001079973-25-000380 (excerpts).

Reply Ex. 14: Form 25-NSE notice (0001143313-25-000021) and Scorpius Form 8-K (0001079973-26-000142) (excerpts).

Reply Ex. 15: Theriva proxy corrections (0001104659-21-107034, 0001104659-21-109353, 0001104659-23-092677) (excerpts).

Reply Ex. 16: Galera Form 10-K (0001563577-26-000005) and information statement (0001193125-26-294765); GlycoMimetics prospectus (0001104659-25-048564); Inventiva Form 6-K (0001171843-26-002025); Summit Form 8-K (0001599298-26-000067) (excerpts).

Reply Ex. 17: Theriva proxy statement filed June 29, 2026 (0001104659-26-078859) (excerpts); the fields of Ikarian Capital's Schedule 13G on Kazia (0001193125-26-055235); and the Theriva line of its Form 13F (0001420506-26-001820).

Reply Ex. 18: A table of TOVX daily high, close and volume for October 5 to 13, 2026, taken from Yahoo Finance daily data pulled October 29, 2026.

Reply Ex. 19: Form 10-K filed March 12, 2026 (0001104659-26-026767) (excerpts).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 U.S.C. § 1746.

Executed on November 7, 2026.

/s/ Mark Joseph Nejmeh
Mark Joseph Nejmeh