Exhibit 2

Proposed Stipulation and [Proposed] Order sent by counsel for Theriva Biologics, Inc., November 23, 2026 (as received)

Nejmeh v. Theriva Biologics, Inc., No. 3:26-cv-00705-ART-CSD

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARK JOSEPH NEJMEH,
Plaintiff,

v.

THERIVA BIOLOGICS, INC.,
Defendant.

Case No. 3:26-cv-00705-ART-CSD

STIPULATION AND [PROPOSED] ORDER REGARDING PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED VERIFIED COMPLAINT (ECF No. 57) AND DEADLINE TO RESPOND

Plaintiff Mark Joseph Nejmeh, self-represented ("Plaintiff"), and Defendant Theriva Biologics, Inc. ("Theriva," and together with Plaintiff, the "Parties"), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on September 16, 2026, Plaintiff commenced this action by filing his Verified Complaint against Defendant Theriva Biologics, Inc. (ECF No. 4), and, on October 1, 2026, filed a complete copy of the Verified Complaint (ECF No. 23);

WHEREAS, on September 16, 2026, Plaintiff also filed an Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction (ECF No. 2) (the "First TRO Motion");

WHEREAS, on October 13, 2026, the Court entered an Order denying the First TRO Motion (ECF No. 33);

WHEREAS, on October 19, 2026, Plaintiff filed a Proposed First Amended Verified Complaint (ECF No. 41);

WHEREAS, on October 22, 2026, Plaintiff filed a second Emergency Motion for Preliminary Injunction (ECF No. 42) (the "Second TRO Motion");

WHEREAS, on October 30, 2026, the Court issued a Minute Order directing Plaintiff to Local Rule 15-1 for the appropriate procedures required to file a motion for an amended pleading (Minute Entry, ECF No. 45);

WHEREAS, on October 31, 2026, Plaintiff filed a Motion for Leave to Amend his Complaint (ECF No. 46), which the Court granted by Minute Order entered on November 2, 2026 (ECF No. 49), and Plaintiff filed his First Amended Verified Complaint on November 9, 2026 (ECF No. 54) (the "First Amended Verified Complaint");

WHEREAS, on November 12, 2026, the Court entered an Order denying the Second TRO Motion (ECF No. 56);

WHEREAS, on November 13, 2026, Plaintiff filed his Motion for Leave to File Second Amended Verified Complaint (ECF No. 57) (the "Motion"), seeking leave under Federal Rules of Civil Procedure 15(a)(2) and 15(d) and Local Rule 15-1 to file the Second Amended Verified Complaint attached to the Motion as Exhibit A (the "Second Amended Complaint");

WHEREAS, Theriva's response to the First Amended Verified Complaint (ECF No. 54) is currently due December 1, 2026 (ECF No. 40);

WHEREAS, Theriva has not yet answered or otherwise responded to the First Amended Verified Complaint, and no discovery has taken place;

WHEREAS, in the interest of efficiency and to conserve the resources of the Parties and the Court, the Parties have agreed that Theriva will consent to the filing of the Second Amended Complaint, that Theriva's deadline to respond will remain December 1, 2026, and that Plaintiff will not seek further leave to amend;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties, subject to the approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Theriva consents to the filing of the Second Amended Complaint, and the Parties agree that the Motion (ECF No. 57) should be granted. Plaintiff shall file the Second Amended Complaint, in the form attached to the Motion as Exhibit A, as a separate docket entry within one (1) court day of entry of the Court's order approving this Stipulation.

2. Plaintiff shall effectuate service of the summons and the Second Amended Complaint on the individual Defendants, Steven A. Shallcross, Jeffrey J. Kraws, Jeffrey Wolf, and John Monahan, in accordance with Federal Rule of Civil Procedure 4.

3. Theriva shall answer, move, or otherwise respond to the Second Amended Complaint on or before December 1, 2026, the date on which Theriva's response to the First Amended Verified Complaint is currently due. In light of the filing of the Second Amended Complaint, Theriva need not respond to the First Amended Verified Complaint.

4. Plaintiff agrees that he will not seek any further leave to amend his complaint in this Action.

5. Theriva's consent to the filing of the Second Amended Complaint is without prejudice to, and shall not constitute a waiver of, any defense, objection, or argument Theriva may raise in response to the Second Amended Complaint, including under Federal Rule of Civil Procedure 12.

6. This Stipulation is made in good faith and not for the purpose of delay. This is the Parties' first request concerning the deadline to respond to the Proposed Second Amended Complaint.

IT IS SO STIPULATED.

DATED: November [X], 2026.

/s/ [Draft]
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ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, IT IS SO ORDERED. Plaintiff's Motion for Leave to File Second Amended Verified Complaint (ECF No. 57) is GRANTED. Defendant Theriva Biologics, Inc. shall respond to the Second Amended Verified Complaint on or before December 1, 2026.

_____

Dated: _____