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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** **EXHIBIT 4** **DECLARATION OF MARK JOSEPH NEJMEH (LR 7-4(a))**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff in this action. I make this declaration from my own knowledge and from the documents identified below, in support of my Emergency Opposition to ECF No. 59 and under Local Rule 7-4(a).

2. **Nature of the emergency.** NYSE American's published list of trading halts (nyse.com/trade/trading-halts) showed on November 23, 2026 that it halted trading in Theriva's common stock (TOVX) at 10:47 a.m. Eastern that day, giving the reason "Regulatory Concern," with no resume time. Theriva reports that the halt was for the low trading price and trading below $0.10, and that it expects the halt to last until its 1-for-30 reverse split takes effect at 11:59 p.m. Eastern on December 1, 2026, with trading on December 2 "subject to NYSE American approval." (Ex. 3.) Theriva's releases of November 20 and November 23, 2026 list "a business combination, merger or reverse merger" among its possible strategic alternatives. (ECF No. 58-2; Ex. 3.)

3. Theriva asks the Court to postpone its December 1 response until fourteen days after rulings on two motions whose briefing is not complete, or, if the Court grants either motion, fourteen days after I file the new pleading (ECF No. 59 at 7), while discovery has not begun and, once Theriva moves to dismiss, is stayed by statute (15 U.S.C. § 78u-4(b)(3)(B)). On October 30, 2026, while my motion for a preliminary injunction was pending, Theriva sold its SYN-004, SYN-007 and certain SYN-006 assets, as Theriva reported in its Form 8-K of November 2, 2026 (see ECF No. 57). If a merger or reverse merger proceeds while the response is postponed, the relief I seek may no longer be possible to grant. That is why I ask the Court to act before December 1.

4. **Addresses and telephone numbers.** Plaintiff: Mark Joseph Nejmeh, P.O. Box 589, Clifton, New Jersey 07012, 732-995-3914, research@warrantwire.com. Defendant Theriva Biologics, Inc.'s counsel: Adam Hosmer-Henner and Katrina Weil, McDonald Carano LLP, 100 West Liberty Street, Tenth Floor, Reno, Nevada 89501, (775) 788-2000; Andrew T. Hambelton, Elizabeth V. Young and Michael D. McQueeney, Blank Rome LLP, 1271 Avenue of the Americas, New York, New York 10020, (212) 885-5345.

5. **Meet and confer.** On November 23, 2026 at 1:10 p.m. Eastern (12:10 p.m. Central, as shown on my email; Ms. Young's reply records it as sent at 1:11 p.m.), I wrote to all of Theriva's counsel declining their proposed stipulation, "in particular paragraph 4," and offering to meet and confer in person at Blank Rome's New York office on November 30, 2026, consistent with Local Rule IA 1-3(f), and to confer in good faith on any matter in this case. At 1:43 p.m. Eastern, Ms. Young answered: "As you are not willing to discuss a stipulation, I do not see any reason to meet." At 2:16 p.m. Eastern I wrote again, repeated that my offer to meet stood, and asked Theriva's position on ECF No. 58 and whether Theriva had received notice from NYSE American about the halt, and when. Theriva has not answered that email. Theriva filed ECF No. 59 that evening, entered at 4:33 p.m. Pacific (7:33 p.m. Eastern) according to the Court's Notice of Electronic Filing, without answering my email and without conferring with me

about it. On November 24, 2026 at 9:36 a.m. Eastern, before filing this opposition, I emailed all five of Theriva's counsel asking to confer by phone that day about ECF No. 59 and whether Theriva would keep December 1 as its response date. At 9:42 a.m. Eastern I sent a second email to all five asking them to call me at 732-995-3914 by 12:00 noon Eastern. I then called Ms. Young at her direct number at 9:43 a.m. Eastern and left a message; called Blank Rome's main number at 9:46 a.m. Eastern and left messages for Mr. Hambelton and Mr. McQueeney; and called McDonald Carano at 9:47 a.m. Eastern and left a message for Ms. Weil. (My phone shows these calls in Central time: 8:43, 8:46 and 8:47 a.m.) At 10:21 a.m. Eastern (9:21 a.m. Central), Ms. Young called me back, and we spoke by phone about my request that Theriva keep December 1 as its response date. She said that I should keep to one complaint, that because I keep adding to the complaint, Theriva does not know what to answer, and that answering was a waste of Theriva's time and resources if the complaint keeps changing. I answered that the company she represents keeps doing things the Court needs to know, and that Theriva needs to answer while its stockholders are dealing with the reverse split. I also told her that Theriva was doing a reverse split and that Theriva had not told the Court its stock was halted. Ms. Young did not agree to keep December 1. I was driving during the call. At 11:00 a.m. Eastern I emailed Ms. Young, Mr. Hambelton and Mr. McQueeney; my copies to Mr. Hosmer-Henner and Ms. Weil went to addresses different from the ones I used earlier that morning. I corrected one thing I had said on the call (the split takes effect at 11:59 p.m. Eastern on Tuesday, December 1, not at midnight on a Friday), and I asked her to confirm in writing by 12:00 noon Eastern that Theriva will not agree to respond to the complaint by December 1. (Ex. 1.) At 11:46 a.m. Eastern (10:46 a.m. Central), Ms. Young replied by email. She wrote that she did not say Theriva will not respond by December 1 to the current pleading and did not ask how the pleading keeps changing, and that Theriva's position, as set out in its motion, is that it should respond to one pleading, after the motions to amend are resolved. My account of the call above is

accurate. (Ex. 1.) At 11:52 a.m. Central (12:52 p.m. Eastern) on November 24, the Court's Courtroom Administrator emailed the parties proposing a telephonic status conference on December 7, 2026. (Ex. 1.) I replied that I am available, noted that trading has been halted since November 23 and that the split takes effect at 11:59 p.m. Eastern on December 1, the day Theriva's response is due, and said I am available any day before December 1. At 1:03 p.m. Central (2:03 p.m. Eastern), Ms. Young replied to the Courtroom Administrator that the time works for Theriva and asked whether the Court would issue a minute order on Theriva's extension request before the conference. (Ex. 1.) Before filing this opposition, I forwarded my 11:00 a.m. Eastern email and my reply to the Courtroom Administrator to Mr. Hosmer-Henner and Ms. Weil at the addresses I had used earlier that morning. Because Theriva's counsel declined to meet on November 23 and did not agree to keep December 1 when we spoke on November 24, I have been unable to resolve this matter without court action. Theriva's counsel registered for electronic notice in this case are notified of this filing through CM/ECF on the day it is filed. (Ex. 1.)

6. Exhibit 1 is a true copy of the email exchange between me and Theriva's counsel on November 23, 2026; of the Court's Notice of Electronic Filing for ECF No. 59 that I received that evening; of my emails to all five of Theriva's counsel sent November 24, 2026 at 8:36 a.m. and 8:42 a.m. Central (9:36 a.m. and 9:42 a.m. Eastern), of my email sent at 10:00 a.m. Central (11:00 a.m. Eastern) and Ms. Young's reply sent at 10:46 a.m. Central (11:46 a.m. Eastern); and of the Courtroom Administrator's email of November 24, 2026 at 11:52 a.m. Central with Ms. Young's reply sent at 1:03 p.m. Central, each printed from my email account. My email shows Central time.

7. Exhibit 2 is a true copy of the proposed stipulation and order that Ms. Young sent me at 9:58 a.m. Eastern (8:58 a.m. Central) on November 23, 2026, converted from the Word file I received to PDF without any change.

8. Exhibit 3 is a true copy of Theriva Biologics, Inc.'s Form 8-K filed with the Securities and Exchange Commission on November 23, 2026 (accepted at 4:30 p.m. Eastern), Accession No. 0001104659-26-131095, with its Exhibit 99.1 press release, as published on the SEC's EDGAR system.

9. The following daily trading data for Theriva's common stock (TOVX) is from Yahoo Finance's published chart data, which I reviewed on November 24, 2026. The November 23 figures cover trading until the 10:47 a.m. halt.

Trading day (2026)	**Shares traded**	**Closing or last price**
Friday, November 13 (split authorized)	792,200	$0.14
Monday, November 16	820,600	$0.14
Tuesday, November 17	460,200	$0.14
Wednesday, November 18 (vote)	550,800	$0.14
Thursday, November 19	691,700	$0.13
Friday, November 20 (split 8-K accepted 4:35 p.m., after the close)	1,357,300	$0.12
Monday, November 23 (to the 10:47 a.m. halt)	862,000	$0.08

On November 23, the stock opened at $0.10, traded below $0.10 that morning, and its last trades before the halt were at about $0.08.

10. Documents already filed in this case are cited by their ECF numbers and are not attached again.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 24, 2026.

/s/ Mark Joseph Nejmeh
Mark Joseph Nejmeh