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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 6** **DECLARATION OF MARK JOSEPH NEJMEH ON THE TIMING OF THIS MOTION**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff in this action. I make this declaration from my own knowledge, in support of my Motion for Reconsideration of ECF No. 60.

2. On November 24, 2026, I prepared my Emergency Opposition to Theriva's Motion for Extension of Time and Request for Status Conference (ECF No. 59), with its exhibits, proposed order and certificate of service. The opposition was completed at 1:44 p.m. Central. It is attached to my motion as Exhibit 5, and its exhibits are attached as Exhibits 1 through 4.

3. At 1:02 p.m. Central on November 24, I answered the Courtroom Administrator's email proposing a telephonic status conference on December 7, 2026, with Theriva's counsel copied. I wrote that I was available, that trading in Theriva's stock had been halted since November 23, that Theriva's reverse split takes effect at 11:59 p.m. Eastern on December 1, the day Theriva's response to the complaint was due, and that I was filing an emergency opposition to ECF No. 59 that day. Exhibit 7 is a true

copy of that email, printed from my email account, with my forward of it at 1:43 p.m. Central to Mr. Hosmer-Henner and Ms. Weil at the addresses I had used earlier that morning.

4. At about 2:00 p.m. Central I began filing the opposition through CM/ECF, using the event "Response." By 2:06 p.m. Central I had attached the opposition and all six attachments. At 2:08 p.m. Central, when the system asked which motion my filing responded to, ECF No. 59 was no longer listed. I then found the Notice of Electronic Filing for ECF No. 60, which was entered at 12:05 p.m. Pacific (2:05 p.m. Central) and granted ECF No. 59. I did not complete the filing.

5. At 2:09 p.m. Central on November 24, the Courtroom Administrator wrote to Theriva's counsel and me: "I will set the status conference for 12/7/2026 at 11:00 a.m. (PST)."

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