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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** **APPENDIX A TO EMERGENCY OBJECTION (ECF Nos. 60 and 61)** **WHAT CAN HAPPEN ON DECEMBER 2, BY THERIVA'S OWN FILINGS**

The split takes effect at 11:59 p.m. Eastern on December 1, and "subject to NYSE American approval" the stock trades on a split-adjusted basis when the market opens on December 2 (ECF No. 62-3). From then on, steps (i) through (iii) need no further stockholder vote:

(i) About 1,529,756 shares will be outstanding. The 16,184,560 New Warrant shares become about 539,486 shares, about 35% of the shares then outstanding, or about 26% of all shares if the New Warrants are exercised. (ECF No. 58-1 ¶ S-13.)

(ii) With the holder's consent, Theriva may "voluntarily reduce the then current exercise price to any amount and for any period of time." (ECF No. 58-1 ¶ S-5.)

(iii) The 500,000,000 authorized shares approved on November 18 "will not be adjusted" for the reverse split; if filed after the split, they would equal about 327 times the shares then outstanding. (ECF No. 58-1 ¶¶ S-2, S-13.)

(iv) Theriva lists "a business combination, merger or reverse merger" among its possible strategic alternatives (ECF No. 58-1 ¶ S-11), and Theriva itself says NYSE American "could suspend trading and move to delist" the stock if the price after the split does not meet Section 1003(f)(v) (ECF No. 62-3).

Plaintiff believes, and states as his belief, that what can follow is what followed before: a run-up in the price, warrants repriced and exercised into it, and a long fall afterward, the pattern he describes from Theriva's earlier reverse splits (ECF No. 62-5 at Part V). On December 2 steps (i) through (iii) need no stockholder vote, and Theriva's response to the complaint has no date.