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Plaintiff, self-represented

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 UNDER LOCAL RULE 7-4(a) IN SUPPORT OF EMERGENCY OBJECTION (ECF Nos. 60 and 61)**

I, Mark Joseph Nejmeh, declare:

1. I am the Plaintiff in this action. I make this declaration from my own knowledge, under Local Rule 7-4(a), in support of my Emergency Objection to the Magistrate Judge's Order and Minute Order of November 24, 2026 (ECF Nos. 60 and 61).

2. **Nature of the emergency.** Trading in Theriva's common stock has been halted since 10:47 a.m. Eastern on November 23, 2026, and Theriva reports that it expects the halt to last until its 1-for-30 reverse stock split takes effect at 11:59 p.m. Eastern on December 1, 2026, the day its response to the complaint was due (ECF No. 62-3; ECF No. 62-4 ¶ 2). Subject to NYSE American approval, the stock trades on a split-adjusted basis from December 2, 2026. ECF No. 60 postpones Theriva's response to fourteen days after rulings on ECF Nos. 57 and 58, with no fixed date. From December 2, the steps described in Appendix A to my objection (warrants that become about 35% of the shares then outstanding, a price that may be reduced "to any amount," and 500,000,000

authorized shares not adjusted for the split) can proceed without any further stockholder vote, and Theriva lists a possible merger or reverse merger among its strategic alternatives, while Theriva's response has no date (ECF No. 58-1 ¶¶ S-2, S-5, S-11, S-13). That is why I ask the Court to decide the objection before December 1.

3. **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.

4. **Meet and confer.** I conferred with Theriva's counsel about Theriva's December 1 response date on November 23 and 24, 2026, as set out in my declaration filed as ECF No. 62-4 ¶ 5, which is true. In short: on November 23 I declined the condition in Theriva's proposed stipulation and offered to meet Theriva's counsel in person; Ms. Young answered, "As you are not willing to discuss a stipulation, I do not see any reason to meet." On November 24 I emailed and called Theriva's counsel, and Ms. Young called me back and we spoke by phone; Theriva did not agree to keep December 1. After participating in the meet-and-confer process, I have been unable to resolve this matter without court action.

5. **Notice.** Theriva's counsel registered for electronic notice in this case are notified of this objection through CM/ECF on the day it is filed. Promptly after filing, I will advise the courtroom administrators for the assigned District Judge and Magistrate Judge by telephone that it was filed, as Local Rule 7-4(d) requires.

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 25, 2026.

/s/ Mark Joseph Nejmeh
Mark Joseph Nejmeh