Discovery questions — Nejmeh v. Theriva Biologics, Inc., No. 3:26-cv-00705 (D. Nev.)

Working file. Started September 26, 2026. Open in Notepad or Word and edit freely.

Before serving anything: discovery normally opens only after the parties' Rule 26(f) conference, unless the Court orders expedited discovery. Check the District of Nevada Local Rules (LR 26-1 and following) and the Federal Rules (26, 33, 34, 36, 45). Each request should be tied to a claim in the Verified Complaint and kept proportional (Rule 26(b)(1)). A lawyer's review is worth it before anything is served.

Terms used below:

- **"Theriva"** means Theriva Biologics, Inc. and its predecessors (Synthetic Biologics, Adeona, Pipex, Sheffield), subsidiaries (including VCN Biosciences, S.L.), officers, directors, employees, agents and advisers.
- **"Rasayana"** means Rasayana Therapeutics, Inc. (Delaware; 68 Harrison Avenue, Ste 605, Boston, MA 02111), its founder and CEO Vidisha Mohad as named in Theriva's February 18, 2026 press release, and its owners, officers, directors, investors and lenders.
- **"Director Affiliates"** means Crystal Research Associates, CRA Advisors, TopHat Capital, Grannus Securities and PDK Healthcare Innovations (Mr. Kraws's firms as listed in the 2026 proxy); Scorpius Holdings / Heat Biologics / NightHawk Biosciences, Elusys Therapeutics and Seed-One Ventures (Mr. Wolf); and any entity in which a Theriva director or officer holds an interest.

Cross-check against Supplemental Exhibits SA–SP (read in full September 26, 2026)

Your filed exhibits already request much of Part 1. **Don't repeat these. Cite the exhibit instead:**

Request below	Already requested in
A.1–A.4, A.11: SYN-020 licence, valuations, board materials, other bidders, program spending	SC-9 (c)–(d); SN-6; SF-3 to SF-4; SL-4; SO-8
A.5: communications with Rasayana	SF-4 item 5
A.10, B.15: audit-committee review, conflict questionnaires	SH-4 (f); SL-4; SM-4; SN-6
B.16: MaryAnn Shallcross employment	SA-7
C.17: placement-agent agreements and fees	SB-10 (d); SC-9 (f); SG-3; SH-4 (b)
C.18: reverse-split board materials	SB-10 (b); SE-7
C.19: insider equity grants	SC-9 (b); SH-4 (g)

C.20: warrant-holder and transfer-agent records	SC-9 (g); SG-3; SN-6
D.21 (in part): investor-relations communications	SB-10 (d); SK-6 item 5

New, not yet in SA–SP (these are the ones to add):

- A.6: where the $300,000 came from (wire records, remitting account)
- A.7–A.9 and Interrogatories 1, 2 and 4: who owns, funds and lends to Rasayana; any transfer of value between Theriva's people or affiliates and Rasayana; any employment, **internship**, consulting or other relationship between Ms. Mohad or other Rasayana principals and Theriva's people
- B.12: agreements with and payments to Mr. Kraws's firms (Crystal Research Associates, CRA Advisors, TopHat Capital, Grannus Securities, PDK Healthcare Innovations)
- B.13: transactions between Theriva and Scorpius / Heat Biologics / Elusys / Seed-One or Mr. Wolf
- B.14: Dr. Monahan's 2015–2020 consulting agreement and payments, and the board's independence determination on November 11, 2020
- D.21 (in part): payments to paid-research providers, including Crystal Research Associates
- D.22–D.23: Theriva's communications with StockTwits; social-media accounts run by or for Theriva, its directors, officers or their firms
- All of Part 2 (StockTwits subpoena)

Part 1 — To Defendant Theriva Biologics, Inc.

A. The SYN-020 licence to Rasayana (February 17, 2026)

Facts from the record: the licence was exclusive and worldwide, with the right to sublicense, for a **$300,000 upfront payment** plus milestones "up to" $38 million and single-digit royalties (8-K filed February 18, 2026; 10-K filed March 12, 2026). Rasayana may terminate "for any or no reason" on 90 days' notice. Parts of the agreement were redacted as "not material" and confidential. The 10-K lists no related-party relationship with Rasayana. The SYN-020 patents are expected to expire in 2038–2040 (10-K).

Requests for production

1. The complete, unredacted License Agreement of February 17, 2026, every amendment, and every draft, term sheet and letter of intent.

2. All board and committee minutes, resolutions, presentations and materials concerning the licensing, sale or valuation of SYN-020, from January 1, 2024.

3. Every valuation, fairness opinion, appraisal, banker's analysis or internal estimate of the value of SYN-020 or its patents.

4. Documents identifying every other party approached about SYN-020, every offer or indication of interest received, and why Rasayana was chosen.

5. All communications between Theriva and Rasayana, including Ms. Mohad, before February 17, 2026.

6. Documents showing the source of the $300,000 upfront payment (wire confirmations, remitting account, remitting bank).

7. Documents sufficient to identify all owners, officers, directors, investors and lenders of Rasayana from its formation, as known to Theriva.

8. Every agreement, payment, loan, advance, guarantee, equity interest or other transfer of value, direct or indirect, between (a) Theriva, any Theriva director or officer, or any Director Affiliate and (b) Rasayana or any of its owners, officers or employees.

9. Documents on any employment, internship, fellowship, consulting, advisory or other relationship that Ms. Mohad or any other Rasayana principal has had with Theriva or any Theriva director, officer or Director Affiliate.

10. The Audit Committee's review of the Rasayana transaction under its charter and Section 120 of the NYSE American Company Guide, including any conflict-of-interest questionnaire answered by directors or officers.

11. Documents sufficient to show Theriva's total spending on SYN-020 (research, clinical, patent prosecution and maintenance) from inception.

Interrogatories

1. Identify every person with an ownership, lending, employment or advisory relationship with Rasayana known to Theriva, and describe each one.

2. State whether any Theriva director, officer, employee, intern or Director Affiliate has had any relationship with Rasayana or Ms. Mohad, and describe it, with dates.

3. Explain how the $300,000 upfront amount was determined, and identify the persons who approved it.

4. State whether Theriva or any person acting for it provided, arranged or guaranteed any financing to Rasayana or its owners.

B. Directors, their firms and the Heat Biologics link

Facts from the record: Mr. Kraws (Chairman), Mr. Wolf and Dr. Monahan make up all three board committees (2026 proxy). Mr. Wolf founded Scorpius / Heat Biologics and has been its CEO and Chairman since 2010. Dr. Monahan was a Heat director from 2009 to 2026. Dr. Monahan was

Theriva's SEVP of R&D (2010–2015), then a scientific advisory consultant (2015 to November 10, 2020), and became a director on November 11, 2020.

Requests for production

12. Every agreement with, and every payment to, Mr. Kraws or any of his firms (Crystal Research Associates, CRA Advisors, TopHat Capital, Grannus Securities, PDK Healthcare Innovations) since January 1, 2006, including research-coverage, investor-relations, advisory and placement arrangements.

13. Every agreement, transaction or payment between Theriva and Scorpius / Heat Biologics / NightHawk / Elusys / Seed-One or Mr. Wolf since January 1, 2006.

14. Dr. Monahan's consulting agreement(s) for 2015–2020, every payment under them, and the board's determination that he was independent when he joined the board on November 11, 2020, including the materials it relied on. (Question to check: NYSE American independence rules look back three years at compensation received other than board fees.)

15. All director and officer questionnaires for 2018 to the present.

16. Documents on the employment and compensation of MaryAnn Shallcross, disclosed as a related party (10-K: compensation of $157,000 and a $45,000 bonus approved December 13, 2024), including the Audit Committee's approval.

C. Financing, reverse splits and equity for insiders

17. Every placement-agent, underwriting, at-the-market, equity-line and warrant-inducement agreement since January 1, 2018, with all fees paid.

18. Board materials on each reverse stock split (2018 1:35, 2022 1:10, 2024 1:25, and the reverse-split proposal in the 2026 proxy materials), including alternatives considered.

19. Every option, RSU, warrant or preferred-stock grant, repricing or amendment for any director or officer since January 1, 2018.

20. Every list or schedule of warrant holders and pre-funded warrant holders from each financing since 2018. (Already sought in the patent schedule; combine the two.)

D. Stock promotion and investor communications

21. Every agreement with, or payment to, any investor-relations firm, stock-promotion service, newsletter, paid-research provider (including Crystal Research Associates) or social-media promoter concerning Theriva since January 1, 2018.

22. All communications between Theriva (or anyone acting for it) and StockTwits, including requests to remove, restrict or promote posts about TOVX.

23. Documents identifying any StockTwits, X/Twitter, Reddit or other social-media account operated by or for Theriva, its directors, officers or Director Affiliates.

Part 1A — Added from Supplemental Exhibit SR (the Heat Biologics / Elusys sale)

To Theriva:

- Director and officer questionnaires, 2020 to present, including disclosure of Mr. Wolf's and Dr. Monahan's roles in Heat's December 2023 sale of Elusys Therapeutics to Elusys Holdings Inc. (controlled by Mr. Wolf) and its July 2024 and March 2025 amendments
- Board and Nominating Committee materials on the independence of Mr. Wolf and Dr. Monahan, including any consideration of the Elusys transaction
- Documents sufficient to show whether Mr. Wolf, Dr. Monahan, Elusys Holdings Inc., Seed-One Ventures, Orion, or any entity they control has had any communication, agreement, financing, or interest concerning Rasayana Therapeutics, SYN-020, SYN-004, VCN-01, or any strategic-alternatives counterparty
- Any recusal by either director from Theriva decisions on licensing, financing or strategic alternatives

To Heat / Scorpius Holdings or Elusys Holdings (nonparty, only if the Court finds it relevant and proportional):

- Composition and minutes of the special committee that approved the December 2023 sale; who approved the July 2024 and March 2025 amendments; whether Dr. Monahan served on or voted on any of them
- Any valuation or fairness analysis of Elusys or ANTHIM
- ANTHIM gross revenue from January 1, 2024 to present, sufficient to compute the 3% royalty the amendments eliminated

Part 2 — To StockTwits, Inc.

Superseded by Plaintiff's StockTwits package (Motion for Leave to Conduct Limited Expedited Nonparty Discovery, Declaration, Attachment A with Requests 1–18, Attachment B with Rule 30(b)(6) Topics 1–10, and Proposed Order; dated September 26, 2026). That package covers the TOVX stream, moderation and visibility, bots and linked accounts with hashed-then-exact IP handling, policies in effect, Plaintiff's own account, sentiment metrics, float data and Yahoo Finance, low-float claims, paid and issuer activity, institutional data customers, employee access logs, Lindzon and personnel TOVX trading, preclearance, cross-issuer preservation, complaints and regulators, and retention.

Two items it does not reach, for a later narrow request if needed:

1. **The "Official" badge.** For accounts carrying an "Official" badge that posted about TOVX in the Event Windows: the criteria for the badge, and whether each such account is a paid alert or promotion service and disclosed compensation. (On September 26, 2026 the five "Official" accounts found posting on top-surge small caps were alert and promotion services.)

2. **Links to this case after filing.** The package's windows end October 31, 2025. On September 26, 2026 a TOVX user reported that repeated attempts to post a link to this lawsuit failed. A narrow request would cover moderation of TOVX posts containing links to court records in this case, from the filing date (September 16, 2026) forward, and the policy applied.

Part 3 — Requests for comment on our report (drafts; nothing has been sent)

To StockTwits

> To: StockTwits, Inc. — Communications / Press — [address or email to be confirmed]

> Re: Request for comment, 8K10Q research report on small-cap "rocket and crash" stocks

>

> We are publishing a report on small-cap stocks whose price doubled within ten trading days and then lost half its value. It includes findings about StockTwits, based on its public API and taken on September 26, 2026:

> - Of 1,560 recent posts on the 25 small caps with the largest volume surge in the past month (plus TOVX), none came from an account with verified real-world identity. The "Official" accounts among them were stock-alert and promotion services.

> - On those stocks, bullish tags outnumbered bearish tags about 7.5 to 1, including on stocks down 65–98% in the month.

> - A user search shows a lookalike account using the display name of a StockTwits co-founder.

> - A $TOVX user reported on September 26, 2026 that links to court filings in a pending lawsuit could not be posted.

>

> We would welcome your comment on these findings, and on whether StockTwits verifies identity for any accounts, how the "Official" badge is granted, and your policy on links to court records. We will include your response in full or in fair summary if we receive it by [date, at least five business days out].

>

> [Name, title, 8K10Q.com, contact@8k10q.com]

To Theriva Biologics

> Same form. Ask for comment on the case-study facts (board composition, the Heat Biologics connection, reverse splits, accumulated deficit, the SYN-020 licence), each stated with its SEC source. Send only after checking with counsel how this interacts with the pending case. It may be better sent through counsel, or not at all while the case is open.

Open items

- Rasayana's Delaware entity record (icis.corp.delaware.gov; has a CAPTCHA, so run it yourself): formation date, status, registered agent.
- Rasayana's Massachusetts foreign-corporation record (corp.sec.state.ma.us): officers, directors, annual reports.
- UCC lien searches, Delaware and Massachusetts, for "Rasayana Therapeutics": secured lenders, if any.
- Heat Biologics patents: trace where each went (USPTO assignment records).
- Placement agents named in Theriva's and Heat's prospectuses since 2016: are the same firms on both?