UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____, Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. SIGA TECHNOLOGIES, INC., DIEM NGUYEN, and DANIEL J. LUCKSHIRE, Defendants.	Case No. **CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE FEDERAL SECURITIES LAWS** **DEMAND FOR JURY TRIAL**

Plaintiff _____ ("Plaintiff"), individually and on behalf of all others similarly situated, by and through his attorneys, alleges the following upon information and belief, except as to those allegations concerning Plaintiff, which are alleged upon personal knowledge. Plaintiff's information and belief is based upon, among other things, his counsel's investigation, which includes without limitation: (a) review and analysis of regulatory filings made by SIGA Technologies, Inc. ("SIGA" or the "Company") with the United States ("U.S.") Securities and Exchange Commission ("SEC"); (b) review and analysis of press releases and media reports issued by and disseminated by SIGA; and (c) review of other publicly available information concerning SIGA.

NATURE OF THE ACTION AND OVERVIEW

1. This is a class action on behalf of persons and entities that purchased or otherwise acquired SIGA securities between August 15, 2024 and September 24, 2024, inclusive (the "Class Period"). Plaintiff pursues claims against the Defendants under the Securities Exchange Act of 1934 (the "Exchange Act").

2. SIGA is a commercial-stage pharmaceutical company. The Company offers an oral formulation of an antiviral drug for the treatment of human smallpox disease. The Company had been conducting a clinical trial to evaluate the efficacy and safety of TPOXX, or Tecovirimat, in the treatment of mpox, also called monkey pox. On August 15, 2024, the preliminary analysis of the PALM 007 clinical trial revealed that TPOXX had failed to achieve its primary endpoint.

3. On September 23, 2024, after the market closed, SIGA filed a Form 8-K with the United States Securities and Exchange Commission ("SEC"), revealing the Company's Executive Vice President and Chief Medical Officer, Jay Varma ("Dr. Varma") had been terminated "effective immediately."

4. On this news, the Company's share price fell $0.42 or 5%, to close at $8.01 on September 24, 2024, on unusually heavy trading volume.

5. On September 25, 2024, before the market opened, video was released of Dr. Varma detailing how he and SIGA were engaged in a media "spin" campaign to salvage TPOXX as a mpox treatment and preserve the Company's stock price despite disappointing top line results in the PALM 007 clinical trial. According to Dr. Varma, the media "spin" campaign was designed to convince investors "***not to dump the stock, thinking that the Company was worthless***." The footage revealed the "***spin***" campaign was "***trying to get the media to say is 'oh the drug didn't work because it was designed the wrong way so they're going to do another study, and it'll probably work*** and in the meantime, you know- people should prescribe it for that reason as an emergency.'" Dr. Varma was also recorded stating SIGA's "***CEO has to decide is it worth it because if there's only a few thousand cases in the United States*** right does it really make sense to do another study that's going to cost $10 million." The video footage further revealed that pursuit of TPOXX as a treatment for mpox might not be worth it because "***in the United States, the risk [for Monkeypox] is very low***." The recordings were published with a watermark dating the interactions, primarily bearing the date August 14, 2024.

6. On this news, SIGA's stock price fell $1.26, or 15.7%, to close at $6.75 per share on September 25, 2024, on unusually heavy trading volume.

7. Throughout the Class Period, Defendants made materially false and/or misleading statements, as well as failed to disclose material adverse facts about the Company's business, operations, and prospects. Specifically, Defendants failed to disclose to investors: (1) that SIGA was engaged in a spin campaign to convince investors "not to dump the stock" after releasing the PALM 007 clinical trial top line results; (2) that the Company's spin campaign was targeted, in

part, at convincing investors that the Company was "going to do another study and it'll probably work"; (3) that, in fact, the Company had serious doubts as to whether additional studies into TPOXX as an mpox treatment would be "worth it"; and (4) that, as a result of the foregoing, Defendants' positive statements about the Company's business, operations, and prospects were materially misleading and/or lacked a reasonable basis.

8. As a result of Defendants' wrongful acts and omissions, and the precipitous decline in the market value of the Company's securities, Plaintiff and other Class members have suffered significant losses and damages.

JURISDICTION AND VENUE

9. The claims asserted herein arise under Sections 10(b) and 20(a) of the Exchange Act (15 U.S.C. §§ 78j(b) and 78t(a)) and Rule 10b-5 promulgated thereunder by the SEC (17 C.F.R. § 240.10b-5).

10. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and Section 27 of the Exchange Act (15 U.S.C. § 78aa).

11. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and Section 27 of the Exchange Act (15 U.S.C. § 78aa(c)). Substantial acts in furtherance of the alleged fraud or the effects of the fraud have occurred in this Judicial District. Many of the acts charged herein, including the dissemination of materially false and/or misleading information, occurred in substantial part in this Judicial District. In addition, the Company's principle executive offices are located in this District.

12. In connection with the acts, transactions, and conduct alleged herein, Defendants directly and indirectly used the means and instrumentalities of interstate commerce, including the United States mail, interstate telephone communications, and the facilities of a national securities exchange.

PARTIES

13. Plaintiff ____, as set forth in the accompanying certification, incorporated by reference herein, purchased SIGA securities during the Class Period, and suffered damages as a result of the federal securities law violations and false and/or misleading statements and/or material omissions alleged herein.

14. Defendant SIGA is incorporated under the laws of Delaware with its principal executive offices located in New York, New York. SIGA's common shares trade on the NASDAQ exchange under the symbol "SIGA."

15. Defendant Diem Nguyen ("Nguyen") was the Company's Chief Executive Officer ("CEO") at all relevant times.

16. Defendant Daniel J. Luckshire ("Luckshire") was the Company's Chief Financial Officer ("CFO") at all relevant times.

17. Defendants Nguyen and Luckshire (together, the "Individual Defendants"), because of their positions with the Company, possessed the power and authority to control the contents of the Company's reports to the SEC, press releases and presentations to securities analysts, money and portfolio managers and institutional investors, i.e., the market. The Individual Defendants were provided with copies of the Company's reports and press releases alleged herein to be misleading prior to, or shortly after, their issuance and had the ability and opportunity to prevent their issuance or cause them to be corrected. Because of their positions and access to material non-public information available to them, the Individual Defendants knew that the adverse facts specified herein had not been disclosed to, and were being concealed from, the public, and that the positive representations which were being made were then materially false and/or misleading. The Individual Defendants are liable for the false statements pleaded herein.

SUBSTANTIVE ALLEGATIONS

Background

18. SIGA is a commercial-stage pharmaceutical company. The Company offers an oral formulation of an antiviral drug for the treatment of human smallpox disease. The Company had been conducting a clinical trial to evaluate the efficacy and safety of TPOXX, or Tecovirimat, in the treatment of mpox, also called monkey pox. On August 15, 2024, the preliminary analysis of the PALM 007 clinical trial revealed that TPOXX had failed to achieve its primary endpoint.

Materially False and Misleading

Statements Issued During the Class Period

19. The Class Period begins on August 15, 2024. On that day, SIGA issued a press release which reported Topline Results from the PALM 007 Study of SIGA's Tecovirimat in Treatment of Mpox. The press release reported, in relevant part:[1]

> ▪ Results suggest tecovirimat provides clinical benefit vs. placebo in two important patient populations: those treated early and those with severe disease
>
> ▪ Results affirm tecovirimat's strong safety profile
>
> ▪ Multiple additional clinical trials evaluating tecovirimat for mpox continue
>
> * * *
>
> A meaningful improvement was observed in patients receiving tecovirimat whose symptoms began seven days or fewer before randomization and in those with severe or greater disease, defined by the World Health Organization (WHO) as having 100 or more skin lesions***. While more analysis is required, the Company believes these data support further trials to assess the potential benefit of tecovirimat in those who present to medical care soon after symptoms and in those with severe disease***.
>
> "These data showing maximum benefit in patients treated early and with severe disease are entirely consistent with the mechanism of action of tecovirimat and with the studies in animals that led to U.S. FDA approval of this medicine for smallpox, a virus closely related to monkeypox virus, but which produces much more severe

[1] Unless otherwise stated, all emphasis in bold and italics hereinafter is added, and all footnotes are omitted.

> illness. ***We believe these data warrant further investigation and support our view that post exposure prophylaxis will be vital for treatment of severe cases of mpox and all cases of smallpox,"*** stated Dennis Hruby, Chief Scientific Officer.
>
> Additionally, in this study, tecovirimat exhibited a safety profile comparable to placebo. These results are consistent with several prior studies in healthy volunteers and further support the strong safety profile that has been observed with tecovirimat over the past 15 years.
>
> "***We are highly encouraged by the PALM 007 study results*** which showed that tecovirimat is safe and offers potential benefit to important groups of patients with mpox disease, particularly those with severe disease and those who sought treatment early. As with other acute viral infections, patients benefit the most when antiviral treatment is administered as soon as possible after infection. Missing the primary endpoint is not entirely unexpected given that the study population was hospitalized during the duration of treatment receiving a high level of supportive care, and since many presented for treatment more than a week after their illness started," stated Diem Nguyen, Chief Executive Officer.

20. On August 15, 2024, REUTERS reported on the Company's Palm 007 topline results and an interview held with Dr. Varma. REUTERS quoted Dr. Varma as stating "[t]o describe these results as mixed is not a negative result," and "***[i]t's simply a pathway to get more data to be studied.***"

21. On August 15, 2024, THE NEW YORK TIMES, reported, in part, on the Company's Palm 007 topline results, and an interview held with Dr. Varma. THE NEW YORK TIMES quoted Varma as stating, in relevant part, "I really think it's only a matter of time before North America, Europe, etc., start to see cases," and "[u]nless we invest in disease control everywhere, we're going to remain always at risk."

22. On August 15, 2024, ENDPOINTS NEWS, reported on the Company's Palm 007 topline results and an interview held with Dr. Varma. ENDPOINTS NEWS quoted Varma as stating, in relevant part:

> "The endpoint that was chosen for this trial [PALM 007] is the complete resolution of your rash, and while that is certainly important for everybody who's infected, people also may care a lot about pain and discomfort. We know that in the US, for

example, during the 2022 outbreak, the main reason that patients were hospitalized was actually for pain control."

* * *

"***We are in ongoing discussions with a number of different people about looking at ways to ensure that we can study this drug specifically with an endpoint in mind of early treatment or treatment of severe disease so that we can get the best quality data that's needed for public health decision-making***,"

23. On August 15, 2024, CONTAGION reported on the Company's Palm 007 topline results and an interview held with Dr. Varma. CONTAGION quoted Varma as stating, in relevant part:

Firstly, regarding early treatment, this study was designed with certain humanitarian considerations in mind. Instead of targeting the study solely towards those most likely to show a benefit from the drug, it included patients who could present much later in the course of their illness. For example, about 20 to 30% of patients presented more than seven days after the rash began. This significantly diluted the impact of the study findings. So, including patients who were unlikely to benefit much was a major reason why the primary endpoint wasn't met.

* * *

The study was initially designed based on historical data about how quickly lesions resolve, under routine conditions. In this study, all patients were hospitalized, provided with food, nutrition, and treatment for other illnesses. This comprehensive care improved their outcomes by about 25 to 50%, with patients resolving their illnesses approximately two days faster than historically. This created a challenge in demonstrating a benefit in patients who might have had milder disease, which is why the treatment benefit was mainly observed in patients with severe disease or those treated early.

* * *

It's crucial for patients and observers to understand that this study isn't the final word on the drug or on mpox. Based on everything we know about the drug's biology and safety, it's important to study it further for the endpoints mentioned, and also in different patient populations.

24. On August 26, 2024, PHARMAVOICE reported on the Company's Palm 007 topline results (the "PHARMAVOICE Report"). The Company provided an emailed statement on the study, which was published in the PHARMAVOICE Report, which stated in relevant part:

> "We continue to support trial sponsors and enrollment activities to advance these trials as quickly as possible to gain a better understanding of the potential for Tpoxx to benefit people with mpox,"

25. The PHARMAVOICE Report also reported selected quotes from an interview held with Dr. Varma, who was quoted as saying, in relevant part:

> "We know from extensive animal studies that the drug is very likely to be effective at stopping patients from developing severe mpox disease and speeding up the healing time as long as it is given early in the course of treatment,"
>
> * * *
>
> "I anticipate that if and when the outbreak comes to the United States, there will be cases, there will be suffering, but my best guess is that it won't be on the scale of the 2022 epidemic because lessons have been learned, and there's a lot of awareness,"
>
> * * *
>
> "Ultimately, we think Tpoxx has its maximum utility as post-exposure prophylaxis,"

26. The above statements identified in ¶¶ 19-25 were materially false and/or misleading, and failed to disclose material adverse facts about the Company's business, operations, and prospects. Specifically, Defendants failed to disclose to investors: (1) that SIGA was engaged in a spin campaign to convince investors "not to dump the stock" after releasing the PALM 007 clinical trial top line results; (2) that the Company's spin campaign was targeted, in part, at convincing investors that the Company was "going to do another study and it'll probably work"; (3) that, in fact, the Company had serious doubts as to whether additional studies into TPOXX as an mpox treatment would be "worth it"; and (4) that, as a result of the foregoing, Defendants' positive statements about the Company's business, operations, and prospects were materially misleading and/or lacked a reasonable basis.

Disclosures at the End of the Class Period

27. On September 23, 2024, after the market closed, SIGA filed a Form 8-K with the United States Securities and Exchange Commission ("SEC"), revealing the Company's Executive Vice President and Chief Medical Officer, Jay Varma ("Dr. Varma") had been terminated "effective immediately."

28. On this news, the Company's share price fell $0.42 or 5%, to close at $8.01 on September 24, 2024, on unusually heavy trading volume.

29. On September 25, 2024, before the market opened, video was released of Dr. Varma detailing how he and SIGA were engaged in a media "spin" campaign to salvage TPOXX as a mpox treatment and preserve the Company's stock price despite disappointing top line results in the PALM 007 clinical trial. According to Dr. Varma, the media "spin" campaign was designed to convince investors "***not to dump the stock, thinking that the Company was worthless***." The footage revealed the "***spin***" campaign was "***trying to get the media to say is 'oh the drug didn't work because it was designed the wrong way so they're going to do another study, and it'll probably work*** and in the meantime, you know- people should prescribe it for that reason as an emergency.'" Dr. Varma was also recorded stating SIGA's "***CEO has to decide is it worth it because if there's only a few thousand cases in the United States*** right does it really make sense to do another study that's going to cost $10 million." The video footage further revealed that pursuit of TPOXX as a treatment for mpox might not be worth it because "***in the United States, the risk [for Monkeypox] is very low***."

30. Specifically, on that date, prior to the market opening, conservative podcaster Steven Crowder published a series of video clips reported to be the product of hidden camera investigative reporting. The recordings were published with a watermark dating the interactions,

primarily bearing the date August 14, 2024. The footage featured a selection of clips of Dr. Varma discussing his work with the Company, including, in relevant part:

> We're working on a drug for a disease called Monkeypox. Remember there was a big outbreak a couple of years ago?
>
> * * *
>
> But ***it's not going to spread among the general population. It's almost certainly going to stay primarily among gay men***.
>
> * * *
>
> Honestly, in the United States, ***the risk is very low***.
>
> * * *
>
> It's called Tecovirimat, or TPOXX, is the name of it.
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> * * *
>
> ***We also need to keep up the people's belief that the drug works. So that's why spinning it in the media is helpful***.
>
> * * *
>
> So, we want the Food and Drug Administration, the FDA, to approve our drug specifically for Moneypox, and ***right now it's only considered experimental and they won't approve it based on this study***.
>
> * * *
>
> ***You can spin them*** [study results] ***so that people, won't like, dump the stock, thinking that the company is worthless***.
>
> * * *
>
> ***Because basically what we're trying to get the media to say is, "Oh, the drug didn't work because it was designed the wrong way. So they're going to do another study and it'll probably work***. And in the meantime, you know, people should prescribe it for that reason as an emergency drug." That's what we want the story to be.
>
> * * *
>
> But basically, the problem is we're stuck with like our drug, it definitely looks like it works, but the people that we need to buy it are not going to be as confident in it

because the data doesn't look at strong as it would have if we designed it in a different way.

* * *

The problem is, if you do another study, it'll take a year or two to do it because you gotta [SIC] like get ethics approval, you gotta [SIC] get money, you gotta [SIC] get patients to come in.

* * *

It's not that many patients have the disease, which is why my CEO has to decide – is it worth it? Because if there's only a few thousand cases in the United states. Does it really make sense to do another study that's going to cost $10 million or to do if you're not going to make that much money on the other end?

* * *

So my boss is trying to figure out the … she's the money person, I'm supposed to be the thinker.

* * *

I was like on phone calls and work stuff all day and getting interviewed by media from different angles.

31. On this news, SIGA's stock price fell $1.26, or 15.7%, to close at $6.75 per share on September 25, 2024, on unusually heavy trading volume.

CLASS ACTION ALLEGATIONS

32. Plaintiff brings this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of a class, consisting of all persons and entities that purchased or otherwise acquired SIGA securities between August 15, 2024 and September 24, 2024, inclusive, and who were damaged thereby (the "Class"). Excluded from the Class are Defendants, the officers and directors of the Company, at all relevant times, members of their immediate families and their legal representatives, heirs, successors, or assigns, and any entity in which Defendants have or had a controlling interest.

33. The members of the Class are so numerous that joinder of all members is impracticable. Throughout the Class Period, SIGA's shares actively traded on the NASDAQ. While the exact number of Class members is unknown to Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff believes that there are at least hundreds or thousands of members in the proposed Class. Millions of SIGA shares were traded publicly during the Class Period on the NASDAQ. Record owners and other members of the Class may be identified from records maintained by SIGA or its transfer agent and may be notified of the pendency of this action by mail, using the form of notice similar to that customarily used in securities class actions.

34. Plaintiff's claims are typical of the claims of the members of the Class as all members of the Class are similarly affected by Defendants' wrongful conduct in violation of federal law that is complained of herein.

35. Plaintiff will fairly and adequately protect the interests of the members of the Class and has retained counsel competent and experienced in class and securities litigation.

36. Common questions of law and fact exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class. Among the questions of law and fact common to the Class are:

(a) whether the federal securities laws were violated by Defendants' acts as alleged herein;

(b) whether statements made by Defendants to the investing public during the Class Period omitted and/or misrepresented material facts about the business, operations, and prospects of SIGA; and

(c) to what extent the members of the Class have sustained damages and the proper measure of damages.

37. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation makes it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

UNDISCLOSED ADVERSE FACTS

38. The market for SIGA's securities was open, well-developed and efficient at all relevant times. As a result of these materially false and/or misleading statements, and/or failures to disclose, SIGA's securities traded at artificially inflated prices during the Class Period. Plaintiff and other members of the Class purchased or otherwise acquired SIGA's securities relying upon the integrity of the market price of the Company's securities and market information relating to SIGA, and have been damaged thereby.

39. During the Class Period, Defendants materially misled the investing public, thereby inflating the price of SIGA's securities, by publicly issuing false and/or misleading statements and/or omitting to disclose material facts necessary to make Defendants' statements, as set forth herein, not false and/or misleading. The statements and omissions were materially false and/or misleading because they failed to disclose material adverse information and/or misrepresented the truth about SIGA's business, operations, and prospects as alleged herein.

40. At all relevant times, the material misrepresentations and omissions particularized in this Complaint directly or proximately caused or were a substantial contributing cause of the damages sustained by Plaintiff and other members of the Class. As described herein, during the Class Period, Defendants made or caused to be made a series of materially false and/or misleading

statements about SIGA's financial well-being and prospects. These material misstatements and/or omissions had the cause and effect of creating in the market an unrealistically positive assessment of the Company and its financial well-being and prospects, thus causing the Company's securities to be overvalued and artificially inflated at all relevant times. Defendants' materially false and/or misleading statements during the Class Period resulted in Plaintiff and other members of the Class purchasing the Company's securities at artificially inflated prices, thus causing the damages complained of herein when the truth was revealed.

LOSS CAUSATION

41. Defendants' wrongful conduct, as alleged herein, directly and proximately caused the economic loss suffered by Plaintiff and the Class.

42. During the Class Period, Plaintiff and the Class purchased SIGA's securities at artificially inflated prices and were damaged thereby. The price of the Company's securities significantly declined when the misrepresentations made to the market, and/or the information alleged herein to have been concealed from the market, and/or the effects thereof, were revealed, causing investors' losses.

SCIENTER ALLEGATIONS

43. As alleged herein, Defendants acted with scienter since Defendants knew that the public documents and statements issued or disseminated in the name of the Company were materially false and/or misleading; knew that such statements or documents would be issued or disseminated to the investing public; and knowingly and substantially participated or acquiesced in the issuance or dissemination of such statements or documents as primary violations of the federal securities laws. As set forth elsewhere herein in detail, the Individual Defendants, by virtue of their receipt of information reflecting the true facts regarding SIGA, their control over, and/or receipt and/or modification of SIGA's allegedly materially misleading misstatements and/or their

associations with the Company which made them privy to confidential proprietary information concerning SIGA, participated in the fraudulent scheme alleged herein.

APPLICABILITY OF PRESUMPTION OF RELIANCE

(FRAUD-ON-THE-MARKET DOCTRINE)

44. The market for SIGA's securities was open, well-developed and efficient at all relevant times. As a result of the materially false and/or misleading statements and/or failures to disclose, SIGA's securities traded at artificially inflated prices during the Class Period. On August 16, 2024, the Company's share price closed at a Class Period high of $10.49 per share. Plaintiff and other members of the Class purchased or otherwise acquired the Company's securities relying upon the integrity of the market price of SIGA's securities and market information relating to SIGA, and have been damaged thereby.

45. During the Class Period, the artificial inflation of SIGA's shares was caused by the material misrepresentations and/or omissions particularized in this Complaint causing the damages sustained by Plaintiff and other members of the Class. As described herein, during the Class Period, Defendants made or caused to be made a series of materially false and/or misleading statements about SIGA's business, prospects, and operations. These material misstatements and/or omissions created an unrealistically positive assessment of SIGA and its business, operations, and prospects, thus causing the price of the Company's securities to be artificially inflated at all relevant times, and when disclosed, negatively affected the value of the Company shares. Defendants' materially false and/or misleading statements during the Class Period resulted in Plaintiff and other members of the Class purchasing the Company's securities at such artificially inflated prices, and each of them has been damaged as a result.

46. At all relevant times, the market for SIGA's securities was an efficient market for the following reasons, among others:

(a) SIGA shares met the requirements for listing, and was listed and actively traded on the NASDAQ, a highly efficient and automated market;

(b) As a regulated issuer, SIGA filed periodic public reports with the SEC and/or the NASDAQ;

(c) SIGA regularly communicated with public investors via established market communication mechanisms, including through regular dissemination of press releases on the national circuits of major newswire services and through other wide-ranging public disclosures, such as communications with the financial press and other similar reporting services; and/or

(d) SIGA was followed by securities analysts employed by brokerage firms who wrote reports about the Company, and these reports were distributed to the sales force and certain customers of their respective brokerage firms. Each of these reports was publicly available and entered the public marketplace.

47. As a result of the foregoing, the market for SIGA's securities promptly digested current information regarding SIGA from all publicly available sources and reflected such information in SIGA's share price. Under these circumstances, all purchasers of SIGA's securities during the Class Period suffered similar injury through their purchase of SIGA's securities at artificially inflated prices and a presumption of reliance applies.

48. A Class-wide presumption of reliance is also appropriate in this action under the Supreme Court's holding in *Affiliated Ute Citizens of Utah v. United States*, 406 U.S. 128 (1972), because the Class's claims are, in large part, grounded on Defendants' material misstatements and/or omissions. Because this action involves Defendants' failure to disclose material adverse information regarding the Company's business operations and financial prospects—information that Defendants were obligated to disclose—positive proof of reliance is not a prerequisite to

recovery. All that is necessary is that the facts withheld be material in the sense that a reasonable investor might have considered them important in making investment decisions. Given the importance of the Class Period material misstatements and omissions set forth above, that requirement is satisfied here.

NO SAFE HARBOR

49. The statutory safe harbor provided for forward-looking statements under certain circumstances does not apply to any of the allegedly false statements pleaded in this Complaint. The statements alleged to be false and misleading herein all relate to then-existing facts and conditions. In addition, to the extent certain of the statements alleged to be false may be characterized as forward looking, they were not identified as "forward-looking statements" when made and there were no meaningful cautionary statements identifying important factors that could cause actual results to differ materially from those in the purportedly forward-looking statements. In the alternative, to the extent that the statutory safe harbor is determined to apply to any forward-looking statements pleaded herein, Defendants are liable for those false forward-looking statements because at the time each of those forward-looking statements was made, the speaker had actual knowledge that the forward-looking statement was materially false or misleading, and/or the forward-looking statement was authorized or approved by an executive officer of SIGA who knew that the statement was false when made.

FIRST CLAIM

Violation of Section 10(b) of The Exchange Act and

Rule 10b-5 Promulgated Thereunder

Against All Defendants

50. Plaintiff repeats and re-alleges each and every allegation contained above as if fully set forth herein.

51. During the Class Period, Defendants carried out a plan, scheme and course of conduct which was intended to and, throughout the Class Period, did: (i) deceive the investing public, including Plaintiff and other Class members, as alleged herein; and (ii) cause Plaintiff and other members of the Class to purchase SIGA's securities at artificially inflated prices. In furtherance of this unlawful scheme, plan and course of conduct, Defendants, and each defendant, took the actions set forth herein.

52. Defendants (i) employed devices, schemes, and artifices to defraud; (ii) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (iii) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities in an effort to maintain artificially high market prices for SIGA's securities in violation of Section 10(b) of the Exchange Act and Rule 10b-5. All Defendants are sued either as primary participants in the wrongful and illegal conduct charged herein or as controlling persons as alleged below.

53. Defendants, individually and in concert, directly and indirectly, by the use, means or instrumentalities of interstate commerce and/or of the mails, engaged and participated in a continuous course of conduct to conceal adverse material information about SIGA's financial well-being and prospects, as specified herein.

54. Defendants employed devices, schemes and artifices to defraud, while in possession of material adverse non-public information and engaged in acts, practices, and a course of conduct as alleged herein in an effort to assure investors of SIGA's value and performance and continued substantial growth, which included the making of, or the participation in the making of, untrue statements of material facts and/or omitting to state material facts necessary in order to make the statements made about SIGA and its business operations and future prospects in light of

the circumstances under which they were made, not misleading, as set forth more particularly herein, and engaged in transactions, practices and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities during the Class Period.

55. Each of the Individual Defendants' primary liability and controlling person liability arises from the following facts: (i) the Individual Defendants were high-level executives and/or directors at the Company during the Class Period and members of the Company's management team or had control thereof; (ii) each of these defendants, by virtue of their responsibilities and activities as a senior officer and/or director of the Company, was privy to and participated in the creation, development and reporting of the Company's internal budgets, plans, projections and/or reports; (iii) each of these defendants enjoyed significant personal contact and familiarity with the other defendants and was advised of, and had access to, other members of the Company's management team, internal reports and other data and information about the Company's finances, operations, and sales at all relevant times; and (iv) each of these defendants was aware of the Company's dissemination of information to the investing public which they knew and/or recklessly disregarded was materially false and misleading.

56. Defendants had actual knowledge of the misrepresentations and/or omissions of material facts set forth herein, or acted with reckless disregard for the truth in that they failed to ascertain and to disclose such facts, even though such facts were available to them. Such defendants' material misrepresentations and/or omissions were done knowingly or recklessly and for the purpose and effect of concealing SIGA's financial well-being and prospects from the investing public and supporting the artificially inflated price of its securities. As demonstrated by Defendants' overstatements and/or misstatements of the Company's business, operations, financial well-being, and prospects throughout the Class Period, Defendants, if they did not have actual

knowledge of the misrepresentations and/or omissions alleged, were reckless in failing to obtain such knowledge by deliberately refraining from taking those steps necessary to discover whether those statements were false or misleading.

57. As a result of the dissemination of the materially false and/or misleading information and/or failure to disclose material facts, as set forth above, the market price of SIGA's securities was artificially inflated during the Class Period. In ignorance of the fact that market prices of the Company's securities were artificially inflated, and relying directly or indirectly on the false and misleading statements made by Defendants, or upon the integrity of the market in which the securities trades, and/or in the absence of material adverse information that was known to or recklessly disregarded by Defendants, but not disclosed in public statements by Defendants during the Class Period, Plaintiff and the other members of the Class acquired SIGA's securities during the Class Period at artificially high prices and were damaged thereby.

58. At the time of said misrepresentations and/or omissions, Plaintiff and other members of the Class were ignorant of their falsity, and believed them to be true. Had Plaintiff and the other members of the Class and the marketplace known the truth regarding the problems that SIGA was experiencing, which were not disclosed by Defendants, Plaintiff and other members of the Class would not have purchased or otherwise acquired their SIGA securities, or, if they had acquired such securities during the Class Period, they would not have done so at the artificially inflated prices which they paid.

59. By virtue of the foregoing, Defendants violated Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder.

60. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff and the other members of the Class suffered damages in connection with their respective purchases and sales of the Company's securities during the Class Period.

SECOND CLAIM

Violation of Section 20(a) of The Exchange Act

Against the Individual Defendants

61. Plaintiff repeats and re-alleges each and every allegation contained above as if fully set forth herein.

62. Individual Defendants acted as controlling persons of SIGA within the meaning of Section 20(a) of the Exchange Act as alleged herein. By virtue of their high-level positions and their ownership and contractual rights, participation in, and/or awareness of the Company's operations and intimate knowledge of the false financial statements filed by the Company with the SEC and disseminated to the investing public, Individual Defendants had the power to influence and control and did influence and control, directly or indirectly, the decision-making of the Company, including the content and dissemination of the various statements which Plaintiff contends are false and misleading. Individual Defendants were provided with or had unlimited access to copies of the Company's reports, press releases, public filings, and other statements alleged by Plaintiff to be misleading prior to and/or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause the statements to be corrected.

63. In particular, Individual Defendants had direct and supervisory involvement in the day-to-day operations of the Company and, therefore, had the power to control or influence the particular transactions giving rise to the securities violations as alleged herein, and exercised the same.

64. As set forth above, SIGA and Individual Defendants each violated Section 10(b) and Rule 10b-5 by their acts and omissions as alleged in this Complaint. By virtue of their position as controlling persons, Individual Defendants are liable pursuant to Section 20(a) of the Exchange Act. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff and other members of the Class suffered damages in connection with their purchases of the Company's securities during the Class Period.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

(a) Determining that this action is a proper class action under Rule 23 of the Federal Rules of Civil Procedure;

(b) Awarding compensatory damages in favor of Plaintiff and the other Class members against all defendants, jointly and severally, for all damages sustained as a result of Defendants' wrongdoing, in an amount to be proven at trial, including interest thereon;

(c) Awarding Plaintiff and the Class their reasonable costs and expenses incurred in this action, including counsel fees and expert fees; and

(d) Such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

Dated: _____, 2024

GLANCY PRONGAY & MURRAY LLP
Gregory B. Linkh (GL-0477)
Rebecca Dawson
230 Park Ave, Suite 358
New York, New York 10169
Telephone: (212) 682-5340
Facsimile: (212) 884-0988
Email: glinkh@glancylaw.com
rdawson@glancylaw.com

Robert V. Prongay
Charles H. Linehan
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160

LAW OFFICES OF HOWARD G. SMITH
Howard G. Smith
3070 Bristol Pike, Suite 112
Bensalem PA 19020
Telephone: (215) 638-4847
Facsimile: (215) 638-4867

Counsel for Plaintiff