

HEMISPHERX BIOPHARMA INC

Form 8-K

October 06, 2016

**UNITED STATES**

**SECURITIES AND EXCHANGE COMMISSION**

**Washington, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the**

**Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported)

**October 6, 2016 (October 4, 2016)**

**HEMISPHERX BIOPHARMA, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**

(state or other juris-  
diction of incorporation)

**0-27072**

(Commission  
File Number)

**52-0845822**

(I.R.S. Employer  
Identification No.)

**1617  
JFK  
Boulevard,  
Suite 19103  
500,  
Philadelphia,  
PA**

(Address  
of  
principal  
executive  
offices)

Registrant's  
telephone number,  
including area code:  
**(215) 988-0080**

**1617 JFK  
Boulevard, Suite  
500, Philadelphia,  
PA 19103**

(Former name or  
former address, if  
changed since last  
report)

Check the  
appropriate box  
below if the Form  
8-K filing is  
intended to  
simultaneously  
satisfy the filing  
obligation of the  
registrant under any  
of the following  
provisions (see  
General Instruction  
A.2. below):

Written  
communications  
pursuant to Rule  
425 under the  
Securities Act (17  
CFR 230.425)

Soliciting material  
pursuant to Rule

14a-12 under the  
Exchange Act (17  
CFR 240.14a-12)

Pre-commencement  
communications  
pursuant to Rule  
14d-2(b) under the  
Exchange Act (17  
CFR 240.14d-2(b))

Pre-commencement  
communications  
pursuant to Rule  
13e-4(c) under the  
Exchange Act (17  
CFR 240.13e-4(c))

**Item 8.01. Other Events.**

After the final settlement hearing, which occurred on September 29, 2016, the United States District Court for the Eastern District of Pennsylvania entered a Final Order and Judgment, approving the settlement and awarding the plaintiffs' counsel \$660,000 in attorneys' fees in the shareholder derivative action, captioned *Zicherman v. Carter, et al.* No Company funds were used to pay the attorneys' fees award; the settlement was funded by Hemispherx's insurance companies. The settlement does not constitute any admission of fault or wrongdoing by Hemispherx or any of the individual defendants. The settlement also resolves all claims asserted by the plaintiffs in the related consolidated shareholder derivative action captioned *In re Hemispherx Biopharma, Inc. Shareholder Derivative Litigation* (Court of Common Pleas of Philadelphia County).

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

HEMISPHERX BIOPHARMA,  
INC.

October 6, 2016 By: /s/ Tomas K. Equels  
Thomas K. Equels, President