

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 **0-27072** **52-0845822**
(state or other juris- (Commission (I.R.S. Employer
diction of incorporation) File Number) (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