

Andrew Muscato (NJ Atty ID 018661978)
**SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP**
(A Delaware Limited Liability Partnership)
One Manhattan West
New York, New York 10001
Telephone: (212) 735-3000
Facsimile: (212) 735-2000

Attorneys for Plaintiff Capricor Therapeutics, Inc.

CAPRICOR THERAPEUTICS, INC.,

Plaintiff,

v.

NS PHARMA, INC., and
NIPPON SHINYAKU CO., LTD.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN COUNTY
Docket No. BER-C -000117-26

Civil Action

**CERTIFICATION OF
HEATHER HAY**

Heather Hay hereby certifies as follows:

1. I am a mother of two young sons who have been diagnosed with Duchenne Muscular Dystrophy (DMD), a rare and fatal genetic disease that causes progressive muscle wasting, ultimately affecting all voluntary muscles, the heart, and the lungs. My family and I live in Olympia, Washington.

2. In 2021, both of my sons were diagnosed with DMD. My younger son, [REDACTED] is currently eight years old, and my older son, [REDACTED], is eleven. Living with DMD is extremely difficult. The disease is fast-progressing, and with each passing day, my sons lose muscle function that they will never recover. Recently, my oldest son [REDACTED] has faced some big changes in his progression. In a matter of 2 months, he went from being able to walk on his own to being in a wheelchair fulltime. DMD is a disease that doesn't slow down because we want it to. My boys don't have weeks to waste and most certainly not months or years. To stop progression and to stabilize them, we need real drugs now! The progressive nature of this disease means that delays in access to treatment translate directly into irreversible damage.

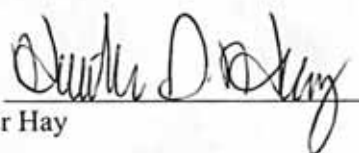
3. Our family has experienced firsthand how limited and uncertain the treatment landscape is for DMD patients. Each of my children has participated in clinical trials, as there are very few drugs available to them. The goal is to slow this disease so that my sons can enjoy life and live it to the fullest. I want my children to be on this earth as long as possible. That is why expanded access to promising treatments such as Deramioceel is so critically important.

4. I am aware that Capricor Therapeutics has developed Deramioceel as a potential treatment for DMD, and that clinical data indicates Deramioceel targets cardiomyopathy. For my sons, whose hearts will be progressively weakened by this disease, a therapy that can stabilize cardiac function could make the difference between life and death.

5. Every day without access to an effective treatment is a day that the disease progresses. My sons deserve the chance to grow up, become independent and dream about their future. Treatments like Deramiocel may be what gives them that chance.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 27, 2026


Heather Hay

