

Edgar Filing: EXEGENICS INC - Form 10-K/A

EXEGENICS INC  
Form 10-K/A  
April 08, 2003

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UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

FORM 10-K/A  
(Amendment No. 1)

(Mark One)

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934

FOR THE FISCAL YEAR ENDED DECEMBER 31, 2002

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934

FOR THE TRANSITION PERIOD FROM TO

COMMISSION FILE NUMBER: 00-26078

eXegenics Inc.  
(Exact name of registrant as specified in its charter)

DELAWARE  
(State or other jurisdiction of  
incorporation or organization)

75-2402409  
(I.R.S. Employer  
Identification No.)

2110 RESEARCH ROW  
DALLAS, TEXAS  
(Address of principal executive offices)

75235  
(Zip Code)

REGISTRANT'S TELEPHONE NUMBER, INCLUDING AREA CODE:  
(214) 358-2000

SECURITIES REGISTERED PURSUANT TO SECTION 12(b) OF THE ACT:

TITLE OF EACH CLASS  
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NAME OF EACH EXCHANGE ON WHICH REGISTERED  
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N/A

N/A

SECURITIES REGISTERED PURSUANT TO SECTION 12(g) OF THE ACT:  
COMMON STOCK, \$0.01 PAR VALUE PER SHARE  
(TITLE OF CLASS)

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Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes  No

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is an accelerated filer (as defined in Exchange Act Rule 12b-2). Yes  No

The aggregate market value of the registrant's voting stock held by non-affiliates of the registrant (without admitting that any person whose shares are not included in such calculation is an affiliate) on March 17, 2003 was \$10,478,970, based on the last sale price as reported by The Nasdaq Stock Market.

As of March 17, 2003, the registrant had 16,184,486 shares of common stock outstanding.

### DOCUMENTS INCORPORATED BY REFERENCE

Certain information required in Part III of this Annual Report on Form 10-K, filed on March 20, 2003 is incorporated from the Registrant's Proxy Statement for the Annual Meeting of Stockholders to be held on May 19, 2003.

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### Explanatory Note

This amendment is being filed to add a date and clarify language in the Consent of Eisner LLP, which was filed as Exhibit 23.2 to the Annual Report on Form 10-K filed on March 20, 2003.

### PART IV

#### ITEM 15. EXHIBITS, FINANCIAL STATEMENT SCHEDULES AND REPORTS ON FORM 8-K.

##### (a) (3) Exhibits

23.2 -- Consent of Eisner LLP

99.1 -- Certifications pursuant to Section 302 of the Sarbanes-Oxley Act of 2002.

99.2 -- Certifications pursuant to Section 906 of the Sarbanes-Oxley Act of 2002.

### SIGNATURES

Pursuant to the requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

EXEGENICS INC.

By: /s/ RONALD L. GOODE

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 Name: Ronald L. Goode  
 Title: Chairman, President and  
 Chief Executive Officer

Date: April 8, 2003

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities indicated below and on the dates indicated.

	SIGNATURES -----	TITLE -----	DATE ---
By:	/s/ RONALD L. GOODE ----- Ronald L. Goode	Director, President and Chief Executive Officer (Principal Executive Officer)	April 8
By:	/s/ DAVID E. RIGGS ----- David E. Riggs	Vice President, Finance (Chief Financial Officer)	April 8
By:	/s/ JOSEPH M. DAVIE ----- Joseph M. Davie	Director	April 8
By:	/s/ ROBERT J. EASTON ----- Robert J. Easton	Director	April 8
By:	/s/ GARY E. FRASHIER ----- Gary E. Frashier	Director	April 8
By:	/s/ IRA J. GELB ----- Ira J. Gelb	Director	April 8
By:	/s/ IRWIN C. GERSON ----- Irwin C. Gerson	Director	April 8
By:	/s/ WALTER M. LOVENBERG ----- Walter M. Lovenberg	Director	April 8

INDEX TO EXHIBITS

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