

Monday, June 22, 2015

Open Letter delivered via Twitter (without exhibits) @TheStreet

Board of Directors

The Street, Inc.

14 Wall Street

15th Floor

New York, NY 10005

CC: Governor Jay Inslee, State of Washington
Senator Maria Cantwell, State of Washington
Senator Patty Murray, State of Washington
Representative Dan Newhouse, 4th Congressional District of State of Washington
Mr. Andrew Cersney, Director, Division of Enforcement, Securities and Exchange Commission
Ms. Edith Ramirez, Chairwoman, Federal Trade Commission
Mr. Travis LeBlanc, Acting Bureau Chief, Enforcement Bureau, Federal Communications Commission

RE: Possible Fiduciary Breach of Duty of Loyalty & Duty of Care by The Board of Directors of the Street, Inc., a publicly traded corporation

Excepted from 17 June 2015 Open Letter to FTC Chairwoman Ramirez: ' This flagrant inaction to rectify obvious and possibly slanderous errors (TheStreet.com article dated May 21, 2015 RE: IsoRay³) possibly establishes willful action on the part of CEO Ms. Elisabeth H. DeMarse (& Chairwoman of the Board), Adam Feuerstein, James J. Cramer (Co-Founder, Editor and Director) & The Street, Inc. a publicly traded corporation possibly demonstrates ongoing unlawful intent in perpetrating a systematic, active and recurring Advertising Fraud and Deception within all States in the U.S. by utilizing the internet as a dissemination vehicle for possibly systematically publishing Fraudulent and Deceptive Advertising possibly cloaked as Free Stock News. ' ¹

'...Once a \$70 stock, TST is now \$2.20 (\$1.86 as of 19 June 2015). The market capitalization of TST has declined from a peak of approximately \$1.7 billion in 1999 to \$75 million today (64.82 Million as of 19 June 2015). This represents the dissipation of about \$1.6 billion of shareholder value. ' ² **NOTE: Possibly the Board of Directors along with the possible key support of Mr. James J. Cramer may now possibly give serious consideration and possibly act in a proactive manner on the possibly constructive input received from Cannel Capital, LLC. within their letter dated December 2, 2014 to the Board of Directors of The Street, Inc. if you possibly have not already begun to do so.**

¹ @x54389, Open Letter delivered via Twitter (without exhibits), Ms. Edith Ramirez, Chairwoman, Federal Trade Commission, **RE: The Street, Inc. possible Nationwide Advertising Fraud & Deception possibly causing irreparable harm against innumerable U.S. Citizens and IsoRay, Inc. a company domiciled in Washington State**, (17 June 2015) available at <http://x54389.weebly.com/617-open-letter-to-ftc-re-the-street-inc-possible-nationwide-advertising-fraud-and-deception.html>

² Cannell Capital, LLC, 2 December 2014 Schedule 13D filing for TheStreet, Inc. at sec.gov, Letter accompanying The Street, Inc. filing (3 December 2014) http://www.cannellcapital.com/uploads/12.02.14_TheStreet_Letter.pdf

Excerpted from this letter:'

Respectfully you, the Board of Directors may possibly want to consider taking immediate corrective actions, if you collectively have not begun to do so already in reference to IsoRay, Inc. and possibly any and all other companies The Street, Inc. may have published articles possibly containing false and slanderous statements so as to possibly cure a possible Fiduciary Breach of Duty of Loyalty & Duty of Care by The Board of Directors of the Street, Inc., a publicly traded corporation. ⁴Page 5, Paragraph 2

Ladies and Gentlemen:

On Tuesday, June 9th 2015 within an open letter delivered to your colleague Ms. Elisabeth H. Demarse, CEO, & Chairwoman of the Board of The Street, Inc., which in part addressed possibly false and slanderous assertions made by Mr. Feuerstein: **The assertion made by Adam Feuerstein and The Street, Inc. a publicly traded company, article dated May, 21, 2015 entitled: ' IsoRay Takes Liberties With Lung Cancer Study Results to Prop Up Stock Price '3 specifically states: ' In their conclusion, the study authors do not endorse IsoRay's Cesium-131... ' may be a false and possibly a slanderous statement as demonstrated by empirical evidence herein and if subsequently proven to be false and slanderous by court(s) and or a regulatory body(s) may additionally be demonstrative of gross negligence and or possibly willful and illegal manipulation of the market price of IsoRay's stock in a way that furthers the interests of short sellers by Adam Feuerstein and The Street, Inc. a publicly traded corporation.**

Dr. Bhupesh Parashare MD lead author and his colleagues in their study paper made available online May 19, 2015 titled: **Analysis of stereotactic radiation vs. wedge resection vs. wedge resection plus Cesium-131 brachytherapy in early-stage lung cancer'** explicitly stated in their study: **Conclusion WR, WR+ Cs-131, or SBRT are all excellent treatment options for patients with early-stage non-small cell lung cancer that are not candidates for lobectomy. For high risk WRs, we favor use of Cesim-131 brachytherapy.** ^{4 5} Within the same letter to Chairman Ms. Demarse it went on to explain that your fellow Director, Mr. James J. Cramer was notified: **Not less than 10 (ten) times twitter user @X54389 made best effort attempts requesting representatives James J. Cramer (Co-Founder, Editor and Director) & Adam Feuerstein of TheStreet, Inc. a publicly traded corporation via Twitter to rectify its' possibly false and slanderous article and tweets pertaining to IsoRay, Inc.** ^{4 5}

³ The Street, Inc., Article authored by Mr. Adam Feuerstein, IsoRay Takes Liberties With Lung Cancer Study Results to Prop Up Stock Price (May 21, 2015 12:28 PM ET), available at <http://www.thestreet.com/story/13159992/1/isoray-takes-liberties-with-lung-cancer-study-results-to-prop-up-stock-price.html>

⁴ Dr. Bhupesh Parashar MD, of Weill Cornell Medical College, lead author & colleagues of the publication, published study - Analysis of stereotactic radiation vs. wedge resection vs. wedge resection plus Cesium-131 brachytherapy in early-stage lung cancer, (May 19, 2015), available at <http://www.sciencedirect.com/science/article/pii/S1538472115004559> & [http://www.brachyjourn.com/article/S1538-4721\(15\)00455-9/abstract](http://www.brachyjourn.com/article/S1538-4721(15)00455-9/abstract)

⁵ @X54389, Open Letter delivered via Twitter (without exhibits) @TheStreet, Open Letter to Ms. Elisabeth H. DeMarse RE: IsoRay, Inc. , (9 June 2015) available at <http://x54389.weebly.com/69-open-letter-to-the-street-inc-ceo-re-isoray-inc.html> and original tweet available at <https://twitter.com/x54389/status/608360941886042115>

On March 5th, 2015 The Street, Inc. filed SEC Form 10-K for the fiscal year ended December 31, 2014 within (1A.) Business Risk Factors :’ **Failure to maintain our reputation for trustworthiness may harm our business. Our brand is based upon the integrity of our editorial content.** We are proud of the trust and reputation for quality we have developed over the course of more than 18 years and we seek to renew and deepen that trust continually. **We require all of our content contributors, whether employees or outside contributors, to adhere to strict standards of integrity, including standards that are designed to prevent any actual or potential conflict of interest, and to comply with all applicable laws, including securities laws. The occurrence of events such as our misreporting a news story, the non-disclosure of a stock ownership position by one or more of our content contributors, the manipulation of a security by one or more of our content contributors, or any other breach of our compliance policies, could harm our reputation for trustworthiness and reduce readership.** In addition, in the event the reputation of any of our directors, officers, key contributors, writers or editorial staff were harmed for any other reason, we could suffer as result of our association with the individual, and also could suffer if the quantity or value of future services we received from the individual was diminished. **These events could materially adversely affect our business, results of operations and financial condition.** ⁶

On May 30, 2015 it was interesting to find an online publication SmallCAPS.us which focuses primarily on promoting stocks through email blasts to subscribers (i.e. most individual investors/traders may possibly not normally deem as credible source of information) would present a compelling, possibly accurate, broad and articulate accounting of the events along with speculation as to a possible reason why they may have recently transpired.⁷

On July 29, 2014 Citizens for Responsibility and Ethics in Washington (“CREW”) requested:’ **... (“SEC”) open an investigation into the short-selling of stock in Northwest Biotherapeutics to determine if there has been illegal manipulation of the market price of the company’s stock. Publicly available information suggests a concerted effort to manipulate the price of shares in Northwest Biotherapeutics (“NWBO”) in a way that furthers the interests of short sellers through the blog posts of Adam Feuerstein, who has demonstrated a repeated pattern of using his blog posts to influence the market price of stock in the biotechnology and pharmaceutical industries** ⁸ On July 29, 2014 NWBO closed at \$6.63 and on June 19, 2015 closed at \$10.33 representing an increase of \$3.51 Per share⁹ According to the letter to the SEC:’ **...Adam Feuerstein, who has demonstrated a repeated pattern of using his blog posts to influence the market price of stock in the biotechnology and pharmaceutical industries** ‘

⁶ SEC.gov, The Street, Inc. SEC Filing, The Street, Inc. Form 10-K for the fiscal year ended December 31, 2014 within (1A.) Business Risk – Failure to maintain our reputation for trustworthiness may harm our business (5 March 2015) available at http://www.sec.gov/Archives/edgar/data/1080056/000161577415000405/s100790_10k.htm

⁷ SmallCAPS.us, Article, IsoRay Stock Price Hammered After... Excellent Study Results (30 May 2015) available at <http://smallcaps.us/isoray-stock-price-hammered-after-excellent-study-results>

⁸ Citizens for Responsibility and Ethics in Washington (“CREW”), Letter by Melanie Sloan Executive Director, CREW Requests SEC Investigative Manipulation of Drug Company ... Strategically released blog posts by well-known biotech stock analyst and senior columnist for TheStreet.com Adam Feuerstein seem designed ... (July 29, 2014), available at <http://www.citizensforethics.org/legal-filings/entry/crew-sec-investigation-manipulation-drug-company-biotech-stock-feuerstein>

⁹ Yahoo Finance, Historical Prices, Northwest Biotherapeutics, Inc. (NWBO) (29 July 2014 – 19 June 2015) available at <http://finance.yahoo.com/q/hp?s=NWBO&a=06&b=29&c=2014&d=05&e=19&f=2015&g=d>

On June, 19th, 2015, within an open letter sent to the FTC Chairwoman: ' This flagrant inaction to rectify obvious and possibly slanderous errors (TheStreet.com article dated May 21, 2015 RE: IsoRay³) possibly establishes willful action on the part of CEO Ms. Elisabeth H. DeMarse (& Chairwoman of the Board), Adam Feuerstein, James J. Cramer (Co-Founder, Editor and Director) & The Street, Inc. a publicly traded corporation possibly demonstrates ongoing unlawful intent in perpetrating a systematic, active and recurring Advertising Fraud and Deception within all States in the U.S. by utilizing the internet as a dissemination vehicle for possibly systematically publishing Fraudulent and Deceptive Advertising possibly cloaked as Free Stock News. ' ¹

As of the publication date of this letter TheStreet, Inc. a publicly traded company, The Board of Directors, executive management team and staff have made none of the following actions publicly relative to the article pertaining to IsoRay, Inc. published May 21, 2015 at 11:36 AM EDT³ (and possibly any and all other companies The Street, Inc. may have published articles possibly containing false and slanderous statements):

- 1.) Retraction
- 2.) Apology
- 3.) Comment detailing the issue (other than possibly derogatory comments through Mr. Adam Feuerstein's via Twitter)¹⁰
- 4.) Amendment to the article in question correcting possibly numerous inaccuracies

Furthermore the IsoRay, Inc. article in question remains verbatim online as originally published on May 21, 2015 at 11:36 AM EDT³. Please note regulatory body(s), law firms, media, IsoRay, Inc., shareholders, clinicians, and most important cancer patients are keenly observing how the Board of Directors, executive management, representative team members at The Street, Inc. are handling this egregious issue. Thus far, the lack of curative action may be reprehensible at best.

On June 22, 2015 at 10:00 AM EDT on Seeking Alpha, Mr. Todd Cox a financial blogger covering IsoRay, Inc. published: ' **The Real Results Of Dr. Parashar And Weill Cornell Medical Colleges Independent Lung Study Of IsoRay's Cesium-131** ' ¹¹ and on June 11, 2015 at 4:25PM EDT on Seeking Alpha, Mr. Todd Cox also published an article entitled: ' **Is The SEC Investigating The Street, Inc. And Adam Feuerstein Concerning Possible Illegal Manipulation Of Isoray?** ' ¹². These two articles are noted as they may possibly provide additional context and facts relating to the issues discussed in this letter for your collective reference.

Each of you, kindly consult with your personal legal advisors to advise you of your responsibilities and risks as directors. You may possibly learn, if you do not already know, that although directors do not conduct the company's day to day management, under Delaware law you are responsible for managing its "business

¹⁰ Adam Feuerstein of TheStreet, Inc., possibly derogatory comments through Twitter, (21-25 May 2015) available at http://charts.stocktwits.com/production/original_37941885.png?1433773642

¹¹ Seeking Alpha, Article authored by Mr. Todd Cox, The Real Results Of Dr. Parashar And Weill Cornell Medical Colleges Independent Lung Study Of IsoRay's Cesium-131, (22 June 2015 10:00 AM EDT) available at <http://seekingalpha.com/instablog/9072271-todd-cox/4104345-the-real-results-of-dr-parashar-and-weill-cornell-medical-colleges-independent-lung-study-of-isorays-cesiumminus-131>

¹² Seeking Alpha, Article authored by Mr. Todd Cox, Is The SEC Investigating The Street, Inc. And Adam Feuerstein Concerning Possible Illegal Manipulation Of Isoray?, (11 June 2015 4:25 PM EDT) available at <http://seekingalpha.com/instablog/9072271-todd-cox/4071016-is-the-sec-investigating-the-street-inc-and-adam-feuerstein-concerning-possible-illegal-manipulation-of-isoray>

and affairs."¹³ Specifically, each of you may possibly owe a fiduciary duty of loyalty (which may possibly encompass cases where the fiduciary fails to act in good faith...) and duty of care to the company and its shareholders. If directors see what is happening at the company, understand that it is not in the company's best interests but nevertheless let it continue to occur without making efforts to stop it, they possibly have breached their duty of care and duty of loyalty and may also be held personally liable for said breach.

Respectfully you, the Board of Directors may possibly want to consider taking immediate corrective actions as outlined herein, if you have not begun to do so already, in reference to IsoRay, Inc. (and possibly any and all other companies The Street, Inc. may have published articles possibly containing false and slanderous statements) so as to possibly cure possible **Fiduciary Breach of Duty of Loyalty & Duty of Care by The Board of Directors of the Street, Inc., a publicly traded corporation.**

Sincerely,

@x54389

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¹³ State of Delaware, Delaware Code Online, TITLE 8, Corporations, CHAPTER 1. GENERAL CORPORATION LAW, Subchapter IV. Directors and Officers, § 141 Board of directors; powers; number, qualifications, terms and quorum; committees; classes of directors; nonstock corporations; reliance upon books; action without meeting; removal. (Date unknown) *available at* <http://delcode.delaware.gov/title8/c001/sc04/#141>