

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD EDELMAN,)
)
 Plaintiff,)
)
 v.)
)
 SECURITIES AND EXCHANGE ,)
 COMMISSION,)
)
 Defendant.)
 _____)

Civil Action No. 14-1140 (RDM)

Exhibit I

McHale, Angela R.

From: Kluck, Thomas
Sent: Wednesday, February 13, 2013 2:56 PM
To: Orlic, David L.; Mchale, Angela R.
Cc: (b)(6)
Subject: FW: Empire State Building

From: (b)(6)
Sent: Wednesday, February 13, 2013 2:46 PM
To: Kluck, Thomas
Subject: Re: Empire State Building

Dear Mr. Kluck:

I am sorry to bother you with additional information regarding this matter but the level of misrepresentation by Malkin Holdings to Empire State Building investors, and to the SEC, is mind-boggling.

In addition to the information provided in my email of yesterday, I would like to point out the following:

1) Just today, Malkin Holdings filed with the SEC a solicitation being mailed to investors that says the proposed REIT provides "Greater potential for Distribution Increases and Capital Appreciation" (emphasis supplied) for Empire investors. At worst, it is clear from Exhibit 99.59 that they know that statement is not true. At best, the information regarding the potential for distribution increases from Empire State Building Associates LLC, on a stand-alone basis, as contained in Exhibit 99.59, is materially relevant to the claim and ought have been provided to investors as part of the Prospectus.

2) On January 30, 2013, Malkin Holdings filed a Transcript of an interview on Bloomberg TV. File #13552566, document d47605d425. The filing says: "The following is a transcription of an interview with Anthony E. Malkin that was broadcast on Bloomberg Television." Yet, in fact, much of the interview was left out of the transcript filed, including many statements by Malkin Holdings that concern its conflicts of interest and fiduciary duties.

Thank you again.

(b)(6)

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