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FREEDOM OF INFORMATION ACT APPEAL

May 28, 2015

Office of Freedom of Information
and Privacy Act Operations
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

Re: Denial of FOIA Request No.15-01819-FOIA

Dear Sir or Madam:

We represent Mr. Richard Edelman in connection with the FOIA request he made on February 9, 2015, for documents relating to the matter of Empire State Realty Trust No. MNY-08894. The request was acknowledged by the SEC on February 9, 2015, and was assigned No. 15-01819-FOIA. A copy of the request and the SEC's acknowledgement are attached. SEC next contacted Mr. Edelman by letter dated March 19, 2015, which identified three boxes of records responsive to his request and requested confirmation of Mr. Edelman's willingness to pay estimated review and duplication expenses. Mr. Edelman responded by email dated March 19, 2015, that he was willing to pay the estimated processing costs. In excess of 60 days has now passed with no further response from SEC regarding this request.

Pursuant to 17 CFR § 200.80(d)(5), a response to Mr. Edelman's request is now overdue. To date, and despite repeated requests from Mr. Edelman, the SEC has failed to produce the requested documents. As provided by 17 CFR § 200.80(d)(6), the SEC's failure to respond within the time allowed constitutes a denial of the request.

Pursuant to 17 CFR § 200.80(d)(6), we hereby appeal the denial of Request No. 15-01819-FOIA. On appeal, we ask that you require the production of the requested documents.

Respectfully submitted,

John W. Griggs

cc: General Counsel
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549