

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DCG&T f/b/o JACK BATTAGLIA/IRA;
JACK BATTAGLIA and DCG&T f/b/o LORI
BATTAGLIA/IRA,

Plaintiffs,

v.

GLADE M. KNIGHT, MICHAEL S.
WATERS, ROBERT M. WILY, BRUCE H.
MATSON, JAMES C. BARDEN and DOES
1-10,

Defendants,

and

APPLE REIT NINE, INC.,

Nominal Defendant.

Civil Action No. 14-00067

MOTION FOR FINAL APPROVAL OF SETTLEMENT AND PLAN OF ALLOCATION

The Plaintiffs, DCG&T f/b/o Jack Battaglia/IRA, Jack Battaglia, and DCG&T f/b/o Lori Battaglia/IRA, by their undersigned counsel and pursuant to FED. R. CIV. P. 23.1, respectfully request approval of the proposed settlement of this shareholder derivative action by reason, in part, the Stipulation of Settlement dated July 23, 2015, the Joint Declaration of Kevin P. Roddy and Lee Squitieri in Support of Final Approval of Settlement and Plan of Allocation and the supporting memorandum filed contemporaneously herewith.

Dated: August 20, 2015

/s/ Jeffrey Hamilton Geiger

Jeffrey Hamilton Geiger
Sands Anderson PC
1111 East Main Street
Suite 2400
Richmond, Virginia 23218
Tel: (804) 783-7248
Fax: (804) 783-7291
jgeiger@sandsanderson.com

Lee Squitieri (Admitted *Pro Hac Vice*)
SQUITIERI & FEARON, LLP
32 East 57th Street
12th Floor
New York, New York 10022
Tel: (212) 421-6492
Fax: (212) 421-6553

Kevin Roddy (Admitted *Pro Hac Vice*)
WILENTZ, GOLDMAN & SPITZER P.A.
90 Woodbridge Center Drive
Woodbridge, New Jersey 07095
Tel: (732) 855-6066
Fax: (732) 726-4735

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on August 20, 2015, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will send notification of such filing (NEF) to all CM/ECF registered attorneys indicated on the NEF.

SANDS ANDERSON PC

/s/ Jeffrey Hamilton Geiger

Jeffrey Hamilton Geiger (VSB No. 40163)
Sands Anderson PC
1111 East Main Street, Suite 2400
Richmond, VA 23218
Phone: (804) 783-7248
Facsimile: (804) 783-7291
E-Mail: jgeiger@sandsanderson.com