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, JUSTIN KNIGHT, DAVID McKENNEY, KRISTAN GATHRIGHT, BRYAN PERRY, and DOES 1-10, Defendants, and APPLE REIT NINE, INC., now known as APPLE HOSPITALITY REIT, INC., Nominal Defendant, and BRIAN A. EISEN, Intervenor/Objector.	Civil Action No: 3:14-cv-00067

NOTICE OF CROSS-APPEAL

Notice is hereby given that Plaintiffs in the above-named case, hereby cross- appeal to the United States Court of Appeals for the Fourth Circuit from the oral order of Judge Gibney at the September 14, 2015 hearing to the extent the Court ruled that intervenor-objector Brian A. Eisen had shareholder standing to object to the proposed settlement.

Although Final Judgment was entered on September 14, 2015, that Final Judgment contained no ruling on standing.

Dated: October 14, 2015

SANDS ANDERSON

By: /jeffreyhgeiger/

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CERTIFICATE OF SERVICE

I certify that on October 14, 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.

/jeffreyhgeiger/

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