

OHIO BOARD OF TAX APPEALS

Marimond, LLC, a Florida Limited Liability Company,)
)
)
 Appellant,)
)
)
 vs.)
)
)
 Cuyahoga County Board of Revision,)
 Cuyahoga County Auditor, and the)
 Cleveland Municipal School District)
 Board of Education,)
)
 Appellees.)

CASE NO. 2008-H-1489
(REAL PROPERTY TAX)
ORDER
(Compelling Discovery)

APPEARANCES:

- For the Appellant - Karen H. Bauernschmidt Co., LPA
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Cleveland, Ohio 44113

- For the County Appellees - William D. Mason
Cuyahoga County Prosecuting Attorney
Timothy J. Kollin
Assistant Prosecuting Attorney
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Cleveland, Ohio 44113

- For the Appellee Board of Education - James H. Hewitt Co., LPA
James H. Hewitt, III
3043 Superior Avenue, 2nd Fl.
Cleveland, Ohio 44114

Entered May 26, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to compel discovery filed by appellant Marimond, LLC (“property owner”). The property owner asks this board to order appellee Cleveland Municipal School District Board of Education (“BOE”) to respond to appellant’s interrogatories and request for production of documents. The board now considers this matter upon the property

owner's motion. No response to the motion has been filed by the BOE within the time prescribed by Ohio Adm. Code 5717-1-12(B).

The record indicates that the instant appeal was filed by the property owner on August 26, 2008. The property owner appears to have initiated the discovery process on November 20, 2008 by serving the BOE's counsel with appellant's first set of interrogatories and request for production of documents. Brief. The property owner then received an extension of the discovery deadline. *Marimond, LLC v. Cuyahoga Cty. Bd. of Revision* (Interim Order, Feb. 17, 2008), BTA No. 2008-H-1489, unreported. It appears that discovery responses still have not been provided and the property owner attempted to resolve this matter extra-judicially prior to filing its motion. *Id.*

Based on a review of the motion and memorandum in support, we find the BOE has failed to respond to the discovery requests within the time prescribed by this board's Rules of Practice and Procedure. Ohio Adm. Code 5717-1-11(A)(3).

It is, therefore, ordered that within fourteen (14) days of the issuance of this order the BOE shall answer the interrogatories propounded by appellant and shall supply copies of requested documents to counsel for the property owner in compliance with Ohio Administrative Code 5717 and the Ohio Rules of Civil Procedure.

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