

OHIO BOARD OF TAX APPEALS

Colonial Club Ltd. Partnership,)	
)	CASE NO. 2008-H-1516
Appellant,)	
)	(REAL PROPERTY TAX)
vs.)	
)	ORDER
Cuyahoga County Board of Revision,)	
Cuyahoga County Auditor, and the)	(Compelling Discovery)
Lakewood Board of Education,)	
)	
Appellees.)	

APPEARANCES:

For the Appellant	-	Sleggs, Danzinger & Gill Co., L.P.A. Steven R. Gill 820 W. Superior Avenue, Suite 400 Cleveland, Ohio 44113
For the County Appellees	-	William D. Mason Cuyahoga County Prosecuting Attorney Timothy J. Kollin Assistant Prosecuting Attorney Courts Tower, 9 th Floor 1200 Ontario Street Cleveland, Ohio 44113
For the Appellee Board of Education	-	Chester L. Sumpter & Associates, LLC Brian W. Bonham 16927 Detroit Avenue, Suite 4 Lakewood, Ohio 44107

Entered February 17, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to compel discovery filed December 26, 2008 by appellee Lakewood Board of Education (“BOE”). The BOE asks this board to order appellant Colonial Club Ltd. Partnership (“property owner”) to respond to outstanding discovery requests that were served November 4, 2008.

This matter is now considered on the BOE's motion. No response has been filed by the property owner 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 28, 2008. The BOE timely initiated the discovery process by serving the property owner with its requests. Motion at Ex. A. When responses were not provided, the BOE attempted to resolve this matter extra-judicially prior to filing its motion. Motion at Ex. B.

Based on a review of the motion and attached exhibits, the board finds the property owner 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 appellant shall answer the interrogatories propounded by the BOE and shall supply copies of requested documents to counsel for the BOE in compliance with Ohio Administrative Code 5717 and the Ohio Rules of Civil Procedure.

ohiosearchkeybta