

OHIO BOARD OF TAX APPEALS

| | | |
|------------------------------------|---|------------------------|
| BTF Cincinnati Corp., |) | |
| |) | CASE NO. 2008-H-1691 |
| Appellant, |) | |
| |) | (REAL PROPERTY TAX) |
| vs. |) | |
| |) | ORDER |
| Hamilton County Board of Revision, |) | |
| Hamilton County Auditor, and the |) | (Compelling Discovery) |
| Oak Hills Local School District |) | |
| Board of Education, |) | |
| |) | |
| Appellees. |) | |

APPEARANCES:

| | | |
|--|---|---|
| For the Appellant | - | Stephen Swaim, Esq. 118 East Main Street Columbus, Ohio 43215 |
| For the County Appellees | - | Joseph T. Deters Hamilton County Prosecuting Attorney Thomas J. Scheve Assistant Prosecuting Attorney 230 East Ninth Street Cincinnati, Ohio 45202 |
| For the Appellee Board of Education | - | David C. DiMuzio, Esq. 1900 Kroger Building 1014 Vine Street Cincinnati, Ohio 45202 |

Entered February 17, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to compel discovery filed December 22, 2008 by the county appellees.¹ The county asks this board to order appellant BTF Cincinnati Corp. (“property owner”) to respond to outstanding discovery requests that were served September 24, 2008.

¹ As is his practice, counsel’s motion was entered on behalf of the Hamilton County Auditor.

This matter is now considered on the county'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 September 17, 2008. The county timely initiated the discovery process by serving the property owner with its requests. Motion at Ex. A. When responses were not provided, the county attempted to resolve this matter extra-judicially prior to filing its motion. Motion at Exs. B, C.

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 county and shall supply copies of requested documents to counsel for the county in compliance with Ohio Administrative Code 5717 and the Ohio Rules of Civil Procedure.

ohiosearchkeybta