

Revision (Interim Order, Feb. 17, 2009), BTA No. 2008-H-1691, unreported. In an April 7, 2009 filing in response to the motion for sanctions, appellant’s counsel stated that on December 3, 2008, appellant filed a voluntary petition for relief in bankruptcy in the United States Bankruptcy Court for the Southern District of New York, case number 08-14845.² Subsequent to the bankruptcy filing, appellant’s counsel states he has been unable to communicate with his client as to this case or whether he is still employed by his client. As a result, he asks that the board temporarily stay the current matter “until such time as the bankruptcy situation clarifies itself” and to determine whether to pursue the present appeal.³

Accordingly, the motion for sanctions will be held in abeyance and proceedings in this matter shall be temporarily stayed to allow appellant and appellant’s counsel to determine how they intend to proceed in the instant matter.

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² Bally Total Fitness of Greater New York, Inc. is the debtor in what appears to be the lead bankruptcy case, number 08-14818.

³ Regardless of the alleged lack of communication between appellant and its counsel, given this board’s prior admonition regarding sanctions, i.e., *TDEL LLC v. Montgomery Cty. Bd. of Revision* (Interim Order, July 6, 2007), BTA No. 2006-A-2148, unreported, at 4-5, it is unclear why this discovery dispute was not resolved extra-judicially in December 2008 by providing appellees’ counsel with information regarding appellant’s bankruptcy filing.