

**OHIO BOARD OF TAX APPEALS**

City of Lebanon and Centerpoint )  
Properties Trust, )  
 )  
Appellants, ) (CASE NO. 2008-H-1753)  
 ) (REAL PROPERTY TAX)  
 )  
vs. ) ORDER  
 )  
Warren County Board of Revision, ) (Compelling Discovery)  
Warren County Auditor, and the )  
Lebanon City School District )  
Board of Education, )  
 )  
Appellees. )

APPEARANCES:

- For the Appellants - Siegel Siegel Johnson & Jennings Co., LPA  
J. Kieran Jennings  
25700 Science Park Drive, Suite 210  
Cleveland, Ohio 44122
  
- For the County Appellees - Rachel A. Hutzal  
Warren County Prosecuting Attorney  
Christopher A. Watkins  
Assistant Prosecuting Attorney  
406 Justice Drive  
Lebanon, Ohio 45036
  
- For the Appellee - Ennis, Roberts & Fischer Co., LPA  
Board of Education Gary T. Stedronsky  
1714 West Galbraith Road  
Cincinnati, Ohio 45239

Entered March 10, 2009

This matter is before the Board of Tax Appeals pursuant to a joint motion to compel discovery filed January 20, 2009 by the Lebanon City School District Board of Education (“BOE”) and the county appellees. The appellees asks this board to order appellants City of Lebanon and Centerpoint Properties Trust

(“property owners”) to respond to outstanding discovery requests that were served November 7, 2008 and November 13, 2008, respectively.

This matter is now considered on the appellees’ motion. No response has been filed by the property owners within the time prescribed by Ohio Adm. Code 5717-1-12(B). The record indicates that the instant appeal was filed by the property owners on September 25, 2008. The appellees timely initiated the discovery process by serving the property owners with their requests. Motion. When responses were not provided, the appellees attempted to resolve this matter extra-judicially prior to filing their motion. Motion at Exs. A-B.

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

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