

## OHIO BOARD OF TAX APPEALS

Berea City School District Board of Education,	)	CASE NOS. 2008-H-1902 2008-H-1903
	)	
Appellant,	)	(REAL PROPERTY TAX)
	)	
vs.	)	ORDER
	)	
Cuyahoga County Board of Revision, the Cuyahoga County Auditor, and Englewood Park II, Ltd.,	)	(Compelling Discovery)
	)	
Appellees.	)	

APPEARANCES:

For the Appellant Board of Education	-	Kadish, Hinkel & Weibel Kevin M. Hinkel Rita M. Jarrett 1717 East Ninth Street, Suite 2112 Cleveland, Ohio 44114
For the County Appellees	-	William D. Mason Cuyahoga County Prosecuting Attorney Timothy J. Kollin Assistant Prosecuting Attorney Courts Tower, 8th Floor 1200 Ontario Street Cleveland, Ohio 44113
For the Appellee Property Owner	-	Thomas L. Dettelbach, Esq. <sup>1</sup> 3733 Park East Drive, Suite 200 Beachwood, Ohio 44122

Entered March 10, 2009

These matters are before the Board of Tax Appeals pursuant to a motion to compel discovery filed January 7, 2009 by appellant Berea City School District Board of Education (“BOE”). The BOE asks this board to order appellee Englewood

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<sup>1</sup> Appellant served its motion to compel discovery on Thomas L. Dettelbach, who presumably is counsel for the property owner. As required by Ohio Adm. Code 5717-1-03, Mr. Dettelbach should file an entry of appearance before this board or advise the parties and this board as to the appropriate party to receive future notices.

Park II, Ltd. (“property owner”) to respond to outstanding discovery requests that were served December 4, 2008.

The board now considers these matters upon the BOE’s motion. No response to the motion 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 appeals were filed by the BOE on October 8, 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 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 the property owner 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.

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