

**OHIO BOARD OF TAX APPEALS**

Board of Education of the )  
Hilliard City Schools, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
Franklin County Board of Revision, )  
Franklin County Auditor, and )  
Wal-Mart Stores, Inc., )  
 )  
Appellees. )

CASE NO. 2008-H-2034  
(REAL PROPERTY TAX)  
ORDER  
(Compelling Discovery)

APPEARANCES:

For the Appellant Bd. of Edn. - Rich & Gillis Law Group, LLC  
Mark H. Gillis  
300 East Broad Street, Suite 300  
Columbus, Ohio 43215

For the County Appellees - Ron O'Brien  
Franklin County Prosecuting Attorney  
Paul A. Stickel  
Assistant Prosecuting Attorney  
373 South High Street, 20<sup>th</sup> Fl  
Columbus, Ohio 43215

For the Appellee - Siegel Siegel Johnson & Jennings Co., LPA  
Property Owner Nicholas Ray  
3001 Bethel Road, Suite 208  
Columbus, Ohio 43220

Entered February 17, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to compel discovery filed January 7, 2009 by appellant Board of Education of the Hilliard City Schools (“BOE”). The BOE asks this board to order appellee Wal-Mart Stores, Inc. (“property owner”) to respond to outstanding discovery requests that were served October 31, 2008.

The board now considers this matter 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 appeal was filed by the BOE on October 24, 2008. The BOE timely initiated the discovery process by serving the property owner with its requests. Motion at Affidavit, Ex. A. When responses were not provided, the BOE attempted to resolve this matter extrajudicially 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 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