

OHIO BOARD OF TAX APPEALS

Bedford Board of Education,)
)
 Appellant,)
)
 vs.)
)
 Cuyahoga County Board of Revision,)
 Cuyahoga County Auditor, and)
 Naiman Richmond Properties, Ltd.,)
)
 Appellees.)

CASE NOS. 2008-H-2331
2008-H-2334

(REAL PROPERTY TAX)

ORDER

(Compelling Discovery)

APPEARANCES:

For the Appellant Board of Education - Kolick & Kondzer
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Westlake, Ohio 44145

For the County Appellees - William D. Mason
Cuyahoga County Prosecuting Attorney
Timothy J. Kollin
Assistant Prosecuting Attorney
Courts Tower, 8th Floor
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Cleveland, Ohio 44113

For the Appellee Property Owners - Kenneth J. Fisher Co., L.P.A.
Kenneth J. Fisher
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113

Entered May 26, 2009

These matters are before the Board of Tax Appeals pursuant to a motion to compel discovery filed March 23, 2009 by appellant Bedford Board of Education (“BOE”). The BOE asks this board to order appellee Naiman Richmond Properties, Ltd. (“property owner”) to respond to appellant’s request for production of documents and interrogatories.

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 November 21, 2008. The BOE timely initiated the discovery process on January 8, 2009 by serving the property owner with copies of appellant's interrogatories and request for production of documents. Exs. A-B attached to motion. When discovery responses were not provided, the BOE attempted to resolve this matter extra-judicially prior to filing its motion. Exs. C-D attached to motion.

Based on a review of the motion and attached supporting exhibits, we find 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 appellee Naiman Richmond Properties, Ltd. 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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