

OHIO BOARD OF TAX APPEALS

Rite Aid of Ohio, Inc., an Ohio corporation,)	CASE NOS. 2008-M-2155
)	2008-M-2156
)	
Appellant,)	(REAL PROPERTY TAX)
)	
vs.)	ORDER
)	
Lucas County Board of Revision, the Lucas County Auditor, and the Board of Education for Washington Local Schools,)	(Compelling Discovery, Denying Extension of Discovery Period, and Consolidating Appeals)
)	
)	
Appellees.)	
)	

APPEARANCES:

For the Appellant - Property Owner	Karen H. Bauernschmidt Co., LPA Karen H. Bauernschmidt 1370 West 6 th Street, Suite 200 Cleveland, Ohio 44113
For the County - Appellees	Julia R. Bates Lucas County Prosecuting Attorney Carol L. Bruggeman Assistant Prosecuting Attorney One Government Center, Suite 500 Toledo, Ohio 43605
For the Appellee - Bd. of Edn.	Spengler Nathanson P.L.L. Michael W. Bragg 608 Madison Avenue, Suite 1000 Toledo, Ohio 43604

Entered March 17, 2009

This matter is before the Board of Tax Appeals pursuant to a “motion to compel discovery” filed by the appellant, Rite Aid of Ohio, Inc., an Ohio corporation (“Appellant”). The appellant asks this board to order the Lucas County Auditor and the Lucas County Board of Revision (collectively, “BOR”) to answer interrogatories and to

comply with its request for the production of documents. There has been no response from the BOR.

Upon review of the motion, the memorandum in support attached thereto, and the record as a whole, the board finds that the BOR 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). The BOR's counsel has provided no reasons why there has been no reply to the discovery requests.

Therefore, it is the order of the Board of Tax Appeals that the BOR shall provide to counsel for the appellant both answers to the interrogatories and copies of the requested documents within FOURTEEN (14) days of the issuance of this order.

The property owner has also requested an extension of the discovery deadline. As this board held in *Berea City School District Board of Education v. Cuyahoga Cty. Bd. of Revision* (Interim Order, Dec. 22, 2005), BTA Nos. 2005-M-1029, 1030, 1042, unreported, a motion to compel "involves the board in discovery until the motion has been fully considered" Id at 2. Thus, it is not necessary for the board to order an extension of the discovery period while an order compelling discovery is outstanding.

Finally, the matter is consolidated for hearing and disposition purposes.

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