

OHIO BOARD OF TAX APPEALS

Charles A. Calanni,)	CASE NO. 2008-M-2184
)	
Appellant,)	(REAL PROPERTY TAX)
)	
vs.)	ORDER
)	
Cuyahoga County Board of Revision, the)	(Compelling Discovery and
Cuyahoga County Auditor and the)	Denying Motion to Extend)
Lakewood Board of Education,)	
)	
Appellees.)	
)	

APPEARANCES:

For the Appellant -	Sleggs, Danzinger & Gill, Co., LPA Robert K. Danzinger 820 West Superior Avenue, Suite 400 Cleveland, Ohio 44113
For the County Appellees -	William D. Mason Cuyahoga County Prosecuting Attorney Timothy J. Kollin Assistant Prosecuting Attorney Courts Tower, 8 th Floor 1200 Ontario Street Cleveland, Ohio 44113
For the Appellee - Bd. of Edn.	Chester L. Sumpter & Associates, LLC Brian W. Bonham 16927 Detroit Avenue, Suite 4 Lakewood, Ohio 44107

Entered March 24, 2009

This matter is before the Board of Tax Appeals pursuant to a “motion to compel discovery responses and extend discovery” filed by the counsel for the Lakewood Board of Education (“BOE”). The BOE seeks an order from this board issued to the property owner to compel answer interrogatories and to comply with a request for the production of documents. There has been no response from the property owner.

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

Counsel for the BOE 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.

It is therefore ordered that the property owner shall provide to counsel for the property owner both answers to the interrogatories and copies of the requested documents within FOURTEEN (14) days of the issuance of this order.

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