

OHIO BOARD OF TAX APPEALS

Woda Heritage Greene LLC,)
)
 Appellant,) (CASE NO. 2008-M-2474
) (REAL PROPERTY TAX)
 vs.)
) ORDER
)
 Fayette County Board of Revision and the) (Compelling Discovery)
 Fayette County Auditor,)
)
 Appellees.)
)

APPEARANCES:

- For the Appellant - Karen H. Bauernschmidt Co., LPA
Karen H. Bauernschmidt
1370 West 6th Street, Suite 200
Cleveland, Ohio 44113

- For the County Appellees - David B. Bender
Fayette County Prosecuting Attorney
James Gorry
Special Prosecuting Attorney
30 E. Broad Street, Suite 300
Columbus, Ohio 43215

Entered April 28, 2009

This matter is before the Board of Tax Appeals pursuant to a “motion to compel discovery” filed by the appellant, Woda Heritage Green LLC (“Appellant”). The appellant asks this board to order the Fayette County Auditor and the Fayette County Board of Revision (Collectively, “County appellees”) 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.

While the motion to compel was addressed to Mr. James Gorry, who entered an appearance on behalf of the county appellees on February 5, 2009, documents attached to the motion to compel do not exhibit any requests for compliance with the interrogatories and requests for production of documents directed to Mr. Gorry. The original request was dated on January 2, 2009, prior to Mr. Gorry's entry of appearance. While the motion to compel indicates that a reminder letter and follow-up emails were sent to the county, copies of the letter and/or emails are not provided with the motion to compel. The only other attachment to the motion to compel is an email from a "Linda Ransburg" on Monday, January 5, 2009, delivering the original discovery requests. As there appears to be no correspondence with the BOR's counsel other than the motion to compel, the board will allow the BOR an additional 14 days in which to provide the information to the appellant. It is therefore ordered that the BOR shall provide to counsel for the appellant both answers to the interrogatories and copies of the requested documents within TWENTY-EIGHT (28) days of the issuance of this order.

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