

**OHIO BOARD OF TAX APPEALS**

|                                    |   |   |
|------------------------------------|---|---|
| Berea City School District         | ) | CASE NOS. 2008-M-2495, 2496             |
| Board of Education,                | ) |   |
|                                    | ) | (REAL PROPERTY TAX)                     |
| Appellant,                         | ) |   |
|                                    | ) | ORDER                                   |
|                                    | ) |   |
| vs.                                | ) | (Denying Extension of Discovery Period; |
|                                    | ) | Granting Appellant’s Motion to Compel)  |
| Cuyahoga County Board of Revision, | ) |   |
| the Cuyahoga County Auditor, and   | ) |   |
| CP-Cleveland Holdings, LLC.,       | ) |   |
|                                    | ) |   |
| Appellees,                         | ) |   |
|                                    | ) |   |

APPEARANCES:

- |                             |   |  |
|-----------------------------|---|--|
| For the Bd. of Edn.         | - | Kadish Hinkel & Weibel<br>Kevin Hinkel<br>1717 East Ninth Street, Suite 2112<br>Cleveland, Ohio 44114  |
| For the County<br>Appellees | - | William D. Mason<br>Cuyahoga County Prosecuting Attorney<br>Timothy J. Kollin<br>Assistant Prosecuting Attorney<br>Courts Tower, Ninth Floor<br>1200 Ontario Street<br>Cleveland, Ohio 44113 |
| For the<br>Property Owner   | - | Karen H. Bauernschmidt Co., LPA<br>Karen H. Bauernschmidt<br>1370 West 6 <sup>th</sup> Street, Suite 200<br>Cleveland, Ohio 44113  |

Entered April 21, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to compel discovery filed by counsel for the Berea City School District Board of Education (“BOE”). The BOE asks this board to order the property owner, CP-Cleveland Holdings,

LLC, to respond to interrogatories and to comply with its request for the production of documents.

The property owner has not responded to the discovery requests propounded by the BOE. While the BOE sought an extension of time to complete discovery or, alternatively, an order from this board compelling the property owner to respond, this board can find no reason to extend the time for discovery when one party has made no effort to comply with the discovery requests. Therefore, the BOE's request to extend time is denied.

Therefore, it is the order of this board that the property owner shall provide to counsel for the BOE both answers to the interrogatories and copies of the requested documents within FOURTEEN (14) days of the issuance of this order.

ohiosearchkeybta