

**OHIO BOARD OF TAX APPEALS**

Berea City School District Board of Education, )  
)  
) CASE NOS. 2008-N-2311  
) 2008-N-2312  
)  
Appellant, )  
)  
) (REAL PROPERTY TAX)  
)  
vs. )  
)  
) ORDER  
)  
Cuyahoga County Board of Revision, )  
)  
) (Compelling Discovery)  
)  
Cuyahoga County Auditor, and )  
)  
)  
)  
Amitel Middleburg Hts., LLC, )  
)  
)  
)  
Appellees. )

**APPEARANCES:**

For the Appellant - Kadish, Hinkel & Weibel  
Rita M. Jarrett  
1717 East Ninth Street, Suite 2112  
Cleveland, Ohio 44114

For the County Appellees- William D. Mason  
Cuyahoga County Prosecuting Attorney  
Timothy J. Kollin  
Assistant Prosecuting Attorney  
Courts Tower, 8<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

For the Property Owner - Amitel Middleburg Hts., LLC  
6095 Parkland Blvd., Suite 300  
Mayfield Heights, Ohio 44124

Copy to<sup>1</sup> - Baker & Hostetler, LLP  
Lawrence V. Lindberg  
3200 National City Center  
Cleveland, Ohio 44114

Entered April 7, 2009

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<sup>1</sup> No entry of appearance has been entered on behalf of the property owner in this matter. Appellant's discovery requests were served upon Mr. Lindberg and he has been copied on the instant motion by appellant's counsel. The board will therefore provide Mr. Lindberg a copy of this order. Pursuant to this board's Rules of Practice and Procedure, specifically, Ohio Adm. Code 5717-1-03, if Mr. Lindberg wishes to enter an appearance, such appearance should be submitted to the board in writing.

The Board of Tax Appeals considers this matter pursuant to a motion filed by appellant Berea City School District Board of Education. Appellant asks this board to order appellee Amitel Middleburg Hts., LLC (“Amitel”) to answer interrogatories and to comply with its request for production of documents. Amitel has not responded to the motion. Ohio Adm. Code 5717-1-12(B).

Upon review of the motion and the discovery requests from appellant attached thereto, we find Amitel failed to respond to the discovery requests within the time prescribed by Ohio Adm. Code 5717-1-11(A)(3).

The Board of Tax Appeals therefore orders that Amitel shall, within fourteen (14) days of the issuance of this order, comply with the discovery requests previously served by appellant.

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