

OHIO BOARD OF TAX APPEALS

Bedford Board of Education, and)	CASE NOS. 2008-T-2384
Bedford Place Apartment, Ltd.,)	2008-T-2385
)	2008-T-2414
Appellants/Appellees,)	2008-T-2415
)	
vs.)	(REAL PROPERTY TAX)
)	
Cuyahoga County Board of Revision and)	ORDER
Cuyahoga County Auditor,)	
)	(Denying Motion to Compel and
Appellees.)	Granting Motion to Extend Discovery
)	Period)

APPEARANCES:

For the Bd. of Edn. -	Kolick & Kondzer John P. Desimone 24500 Center Ridge Road, Suite 175 Westlake, Ohio 44145-5697
For Bedford Place Apartment, Ltd.-	Kadish, Hinkel & Weibel, L.P.A. Janeane R. Cappara 1717 East Ninth Street, Suite 2112 Cleveland, Ohio 44114
For the County Appellees -	William D. Mason Cuyahoga County Prosecuting Attorney Timothy Kollin Assistant Prosecuting Attorney Courts Tower, 8th Floor 1200 Ontario Street Cleveland, Ohio 44113

Entered April 7, 2009

On April 2, 2009, the Board of Education filed a motion to compel discovery. The BOE represents that, on January 26, 2009, it served its discovery requests on Bedford Place Apartment, Ltd. On March 30, 2009, Bedford Place represented to the BOE that it intended to comply with the requests but that it needed additional time. The BOE, however, filed the motion to compel because the discovery

period in this matter was due to close April 2, 2009. See Brief in Support of Motion to Compel at 3. In its memorandum in support of the motion, the BOE represents that it “has no objection if the Board of Tax Appeals determines to treat this motion as one to extend the discovery period.”

Subsequent to the filing of the motion to compel, Bedford Place moved the BTA to extend the discovery period beyond April 2, 2009. Bedford Place represents that it intends to comply with the BOE’s requests. However, “[d]ue to the voluminous nature of the discovery requests and the press of business due to the filing of real estate tax complaints,” Bedford Place also represents that it needs additional time to complete discovery.

Given that Bedford Place communicates a willingness to comply with discovery, and given that the BOE offers no objection to an extension of time, the Board of Tax Appeals finds good cause to grant the request. Ohio Adm. Code 5717-1-11(A)(1). The BTA hereby extends the discovery period to May 4, 2009, which shall be the last date upon which a party may seek board involvement in any discovery matter.

Because of the extension of time granted by this order, the BTA denies the motion to compel as premature.

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