

**OHIO BOARD OF TAX APPEALS**

Board of Education of the )  
Worthington City Schools )  
 ) CASE NO. 2008-T-2459  
Appellant, )  
 ) (REAL PROPERTY TAX)  
vs. )  
 ) ORDER  
Franklin County Board of Revision, )  
Franklin County Auditor, and )  
Matthew W. Cooke, ) (Compelling Discovery &  
 ) Rescheduling Sanctions Hearing)  
 )  
 )  
Appellees. )

**APPEARANCES:**

For the Appellant - Rich, Crites & Dittmer, L.L.C.  
Carol Fox  
300 East Broad Street, Suite 300  
Columbus, Ohio 43215-3704

For the County Appellees - Ron O'Brien  
Franklin County Prosecuting Attorney  
Paul M. Stickel  
Assistant Prosecuting Attorney  
373 South High Street, 20th Floor  
Columbus, Ohio 43215-6310

For Appellee Property Owner - Matthew W. Cooke  
906 East Linworth Road  
Columbus, Ohio 43235

Entered June 10, 2009

On March 24, 2009, this board issued an order compelling the appellee property owner, Matthew W. Cooke, to answer certain interrogatories and requests for the production of documents previously served by the board of education. The order

was premised on the BOE's motion to compel, which was filed following Mr. Cooke's failure to respond to the BOE's formal discovery requests.

Mr. Cooke did not comply with this board's order within the time prescribed. As a result, the BOE filed a motion seeking sanctions in the amount of \$540.00. As required by Ohio Adm. Code 5717-1-14, a sanctions hearing was scheduled for June 12, 2009.

On June 9, 2009, the BOE informed the board that it had become aware of an alternative address for Mr. Cooke. The BOE implied that Mr. Cooke may not have been fully aware of the discovery issues currently pending before this board and suggested that the board a) postpone the sanctions hearing and b) provide Mr. Cooke an opportunity to comply with the board's order to compel by serving the order on the alternative address. Given the foregoing, and given the potential for a substantial economic sanction should motions for sanctions be granted, the board finds good cause to approve the BOE's request.

Therefore, the Board of Tax Appeals orders the following:

- a) The June 12, 2009 sanctions hearing is hereby continued;
- b) Having found that he failed to respond to the BOE's discovery, Matthew W. Cooke shall comply with the discovery requests within twenty-one (21) days of the issuance of this order;
- c) Should Mr. Cooke fail to respond within the time permitted, this matter will proceed to a sanctions hearing on Friday, July 10, 2009 at 9:00 AM.

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