

OHIO BOARD OF TAX APPEALS

7 Star Entertainment,)
)
 Appellant,) CASE NO. 2008-V-1183
) (REAL PROPERTY TAX)
)
 vs.) ORDER
)
 Franklin County Board of Revision,) (Granting Motion to Extend Discovery
 Franklin County Auditor, and the) Period)
 South-Western City Schools Board of)
 Education,)
)
 Appellees.)

APPEARANCES:

For the Appellant - Siegel, Siegel, Johnson
& Jennings Co., LPA
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For the County Appellees - Ron O'Brien
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For the Appellee BOE - Rich & Gillis Law Group, LLC
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Entered February 10, 2009

This matter is currently before the Board of Tax Appeals as a result of a motion by the appellee South-Western City School District Board of Education (“BOE”) to extend the discovery period for one hundred and twenty days beyond the one-hundred and twenty day time frame which expired on November 24, 2008.

The BOE’s motion provides, in relevant part:

“The basis for this Motion is that the Board of Education received its statutory notice from the Board of Revision on November 24, 2008 indicating that this case was appealed to the Board of Tax Appeals on July 28, 2008 well after the expiration of the 120 day discovery period. The Board of Education promptly initiated discovery to Appellant on December 1, 2008 to which no responses have been received.”

Ohio Adm. Code 5717-1-11, which sets forth the board’s rule for allowing discovery, provides, in pertinent part:

“(A) Discovery may be permitted by deposition upon oral examination or written questions; written interrogatories; production of documents or tangible things or permission to enter upon land or other property; and requests for admissions. The ‘Ohio Rules of Civil Procedure,’ effective July 1, 2006, shall be followed for discovery purposes to the extent they are not inconsistent with other board rules. *** Discovery shall be subject to the following limitations:

“(1) Discovery should be commenced by all parties promptly after the filing of a notice of appeal and should be completed as expeditiously as possible. Discovery should be completed not more than one hundred twenty days after the filing of the notice of appeal, which shall also be the last day for a party to seek involvement of the board in discovery matters. Upon motion *and for good cause*, the board may establish other specific times for completion of discovery or consideration of discovery motions.” (Emphasis added.)

No response has been submitted on behalf of the appellant.

Therefore, based upon the good cause shown, the discovery period will be extended until March 31, 2009.

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