

OHIO BOARD OF TAX APPEALS

Ohio Future Properties,)	
)	CASE NO. 2008-Z-2078
Appellant,)	
)	(REAL PROPERTY TAX)
vs.)	
)	ORDER
Franklin County Board of Revision,)	
Franklin County Auditor, and Board of)	(Granting Motion to
Education of the Columbus City School)	Extend Discovery Period)
District,)	
)	
Appellees.)	

APPEARANCES:

- | | | |
|-----------------------------|---|--|
| For the Property Owner | - | Ohio Future Properties
c/o Mohamed Zerrei
2744 Briggs Road
Columbus, Ohio 43204 |
| For the County
Appellees | - | Ron O'Brien
Franklin County Prosecuting Attorney
Paul Stickel
Assistant Prosecuting Attorney
373 South High Street, 20th Floor
Columbus, Ohio 43215 |
| For the Bd. of Edn. | - | Rich & Gillis Law Group, LLC
Mark H. Gillis
300 East Broad Street, Suite 300
Columbus, Ohio 43215 |

Entered January 27, 2009

This matter is before the Board of Tax Appeals pursuant to a motion to extend the discovery deadline filed by counsel for the board of education. The board of education moves this board to extend the discovery period by 120 days and argues

in its motion that such extension should be granted since it received notice of the filing of the instant notice of appeal nearly two months after the date on which it was filed.

The record before us reflects that the appellant filed its notice of appeal with this board and the county board of revision on October 30, 2008. The board of education indicates in its motion that it received notice from the county board of revision of the filing of the instant notice of appeal¹ on December 22, 2008.

Ohio Adm. Code 5717-1-11 governs the discovery process in appeals before this board. More specifically, Ohio Adm. Code 5717-1-11(A)(1) provides as follows:

“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.”

Based on the existing record, the discovery period, if not extended, would expire 120 days from October 30, 2008, or on or about February 27, 2009. Based on the circumstances set forth in the motion to extend the discovery deadline filed by the board of education, said motion is reasonable and the board of education has demonstrated good cause for an extension of the discovery deadline.

¹ Upon its receipt of a notice of appeal, the county board of revision is required to notify all persons who were parties to the proceeding before said county board of revision of the filing of said notice of appeal. See R.C. 5717.01.

Accordingly, pursuant to Ohio Adm. Code 5717-1-11, the discovery deadline in the instant matter is hereby extended to 120 days from the date on which the board of education received notice of the appeal from the county board of revision, or April 21, 2009 (such date is also the last day upon which the parties may seek this board's further involvement in any discovery matters).

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