

OHIO BOARD OF TAX APPEALS

Bedford Retirement Village LLC,	)	
	)	CASE NOS. 99-D-369
Appellant	)	99-D-370
	)	
vs.	)	(REAL PROPERTY TAX)
	)	
Board of Revision of Cuyahoga County,	)	
Auditor of Cuyahoga County, and	)	ORDER
Cleveland MSD Board of Education,	)	(denying appellant's )
	)	(motion for continuance)
Appellees.	)	

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Bedford Retirement Village LLC -

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ENTERED: March 1, 2000

Two appeals, each taken pursuant to R.C. 5717.01, from a final decision of the Cuyahoga County Board of Revision which determined real property values relating

to certain real properties for the tax year 1997 located in the Cleveland taxing district of Cuyahoga County.

A letter, dated February 25, 2000, was received from counsel acting on behalf of the Appellant, Bedford Retirement Village, LLC., the body of which states:

“Per telephone conversation on today’s date, the undersigned respectfully requests a ninety (90) day continuance in the above-captioned matter which is scheduled for hearing on March 14, 2000, at 9:00 a.m. before Hearing Examiner W. Robinson Watters to allow for the preparation of appraisal reports by all interested parties.

“Additionally, request is hereby made for a thirty (30) day extension in which to respond to the Motion For Order Compelling Discovery.

“Thank you for giving this matter your attention, and if you have any questions, please contact me.”

On March 18, 1999, this appeal was filed on behalf of the property owner, Bedford Retirement Village LLC, from the trial and the final decision rendered by the Cuyahoga Board of Revision which made a determination of real property values for the tax year 1997 relating to the Appellant’s real property. Now, approximately a year following such appeal, the Appellant seeks a 3-month continuance “to allow for the preparation of appraisal reports by all interested parties.” Seemingly, no serious effort was heretofore made to obtain any appraisal with respect to the subject property for presentation to the Board of Revision or within this past year for presentation at the evidentiary hearing first scheduled for February 24, 2000 pursuant to this Board’s notice of hearing issued December 13, 1999.

By letter, dated December 20, 1999, counsel for the Appellant advised this Board of a professional conflict he had with the scheduled trial date of February 24, 2000 and was accordingly granted the rescheduled date of March 14, 2000. No mention was made that appraisal processes still might need to be instituted.

On February 9, 2000, counsel for the Appellee Cleveland MSD Board of Education filed a motion requesting an order of this Board compelling the Appellant to comply with the Appellee's prior discovery requests. In conjunction with such filed requests, a copy of the Appellee's motion was sent to counsel for the other parties hereto. No proper response to the motion was filed. On February 29, 2000, this Board issued an order denying the Appellee's motion for an order compelling discovery. Since such the Appellee's motion was not granted, the present requested 30-day extension for response to such motion is no *legally* detrimental to Appellant.

The three month continuance (delay) of the scheduled trial for the avowed purpose of preparing evidence for an additional evidence hearing before this Board is not now justified. No reason is given why the parties did had adequate [sic<sup>1</sup>] time, as specified by this Board's rules, to properly prepare for an additional evidence hearing before this Board or for not having timely initiated and completed the desired discovery within the time and manner expressly prescribed by this Board's discovery rules.

IT IS ORDERED that the Appellant's motion for a three month continuance of the additional evidence hearing scheduled on March 14, 2000 be and hereby is denied.

IT IS FURTHER ORDERED that Appellant's motion for a 30-day extension to respond to Appellee's motion for an order compelling discovery is also denied.

IT IS FURTHER ORDERED that a copy of this order be sent to each of the parties hereto by and through their respective counsel.

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<sup>1</sup> Clerical error; should read: "\*\*\*\* did not have adequate \*\*\*."