

ORIGINAL

IN THE SUPREME COURT OF OHIO

MASON CITY SCHOOL DISTRICT,
BOARD OF EDUCATION

Appellee,

vs.

WARREN COUNTY BOARD OF
REVISION, et al.

Appellees,

and

SQUIRE HILL PROPERTIES II, LLC

Appellant

Case No. 2012-2107

On Appeal from the Ohio
Board of Tax Appeals

FILED
JAN 18 2013
CLERK OF COURT
SUPREME COURT OF OHIO

APPELLEE'S MOTION TO LIFT THE MEDIATION STAY

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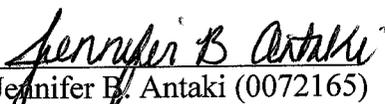
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MOTION TO LIFT THE MEDIATION STAY

It appears that Appellant failed to serve all necessary parties under R.C. 5717.04, specifically failing to serve Wasserpach IV, LLC, which was the primary party in the BOR and BTA hearings. Such failure is a jurisdictional defect and should result in dismissal of the appeal. See Olympic Steel, Inc. v. Cuyahoga Cty. Bd. of Revision (2006), 110 Ohio St.3d 1242, 2006-Ohio-4091.

Appellee Mason City School District, Board of Education, requests that the mediation stay be lifted so that a Motion to Dismiss may be filed by Appellee.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appellee's Motion to Lift the Mediation Stay has been served by ordinary U.S. Mail this 16th day of January, 2013 upon the following counsel of record:

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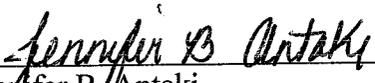
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