

In the Supreme Court of Ohio

Crutchfield, Inc.,	:	
	:	Case No. 2015-0386
	:	
Appellant,	:	
	:	Appeal from the Ohio
v.	:	Board of Tax Appeals
	:	
Joseph W. Testa,	:	
Tax Commissioner of Ohio,	:	
	:	BTA Case Nos. 2012-926,
Appellee.	:	2012-3068, 2013-2021

MOTION OF APPELLANT CRUTCHFIELD, INC. TO STAY BRIEFING PENDING A DECISION ON APPELLANT'S MOTION TO CONSOLIDATE

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Tax Commissioner of Ohio

Appellant Crutchfield, Inc. (“Crutchfield”) hereby moves pursuant to S.Ct.Prac.R. 4.01(A)(1) to stay briefing in this appeal pending a decision by the Court on Crutchfield’s Motion to Consolidate With Appeal of Newegg Inc. (Case No. 2015-0843) (“Motion to Consolidate”), filed concurrently with this motion. As grounds for its motion, Crutchfield states as follows:

1. This case was returned to the active docket from mediation on April 28, 2015. As a result, Crutchfield’s opening brief is due on June 8, 2015.
2. As set forth in the Motion to Consolidate, this appeal and the substantially identical appeal of Newegg Inc. (“Newegg”) present many common issues for resolution by the Court. If the Court agrees that consolidation is appropriate and grants the Motion to Consolidate, Crutchfield has requested that the Court enter a new briefing schedule to align the briefing for each of the consolidated cases. In addition, counsel for Crutchfield anticipates that certain adjustments to the briefs will be both necessary and appropriate for a consolidated appeal, particularly if the Court orders the filing of a joint brief by the appellants in the two cases. A decision on the Motion to Consolidate will therefore directly affect drafting of the appellant’s brief.
3. No prejudice will result to the appellee from a short stay in the briefing schedule while the Court considers the Motion to Consolidate.

For the foregoing reasons, Crutchfield respectfully requests that the Court stay the briefing in this case pending a ruling on Crutchfield’s Motion to Consolidate.

Filed: May 8, 2015

Respectfully submitted,

s/ Edward J. Bernert

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Motion of Appellant Crutchfield, Inc. to Stay Briefing Pending a Decision on Appellant's Motion to Consolidate was sent via the Court's electronic filing system and by U.S. mail to counsel of record for Appellee Tax Commissioner, Daniel W. Fausey and Christine T. Mesirow, Assistant Attorneys General, State of Ohio, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, on this 8th day of May, 2015.

s/ Edward J. Bernert
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