

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

BOBBI PEEK,)	
)	
Plaintiff,)	TC-MD 150424N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL

This Final Decision incorporates without change the court’s Decision, entered January 8, 2016. The court did not receive a statement of costs and disbursements within 14 days after its Decision was entered. *See* TCR-MD 16 C(1).

This matter came before the court on its own motion to dismiss this case for lack of prosecution.

Plaintiff appealed Defendant’s Notice of Proposed Adjustment and/or Distribution, dated May 18, 2015. (Compl at 1–3.) A case management conference was held on October 21, 2015. At that conference, Plaintiff agreed to submit additional information to Defendant, and Defendant agreed to file written recommendations based on that information by November 30, 2015. (Journal Entry at 1.) Plaintiff further agreed that she would submit a written response to Defendant’s recommendations by December 14, 2015. (*Id.*)

The court received Defendant’s recommendations on November 27, 2015. On December 14, 2015, Plaintiff informed court staff, via telephone, that she wished to withdraw her appeal. Plaintiff did not file a written motion to withdraw or a response to Defendant’s recommendations. On December 18, 2015, the court issued an Order requiring Plaintiff to file a written response stating whether the parties have reached a settlement, Plaintiff’s appeal is

withdrawn, or trial is requested. The Order further stated that if trial is requested, Plaintiff must provide three mutually convenient dates for trial and provide a copy of her response to Defendant. Plaintiff's response was due within 14 days of the court's December 18, 2015, Order. The court warned that failure to comply with its Order would result in dismissal of Plaintiff's appeal. As of the date of this Decision of Dismissal, the court has received no further communication from Plaintiff. As a consequence, the court finds this matter should be dismissed for lack of prosecution. Now, therefore,

IT IS THE DECISION OF THIS COURT that Plaintiff's appeal is dismissed.

Dated this ____ day of January 2016.

ALLISON R. BOOMER
MAGISTRATE

If you want to appeal this Final Decision, file a complaint in the Regular Division of the Oregon Tax Court, by mailing to: 1163 State Street, Salem, OR 97301-2563; or by hand delivery to: Fourth Floor, 1241 State Street, Salem, OR.

Your complaint must be submitted within 60 days after the date of the Final Decision or this Final Decision cannot be changed. TCR-MD 19 B.

This document was filed and entered on January 25, 2016.