

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

JUSTIN SCHAUMBURG)	
and MICHELLE SCHAUMBURG,)	
)	
Plaintiffs,)	TC-MD 160031N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL¹

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

During a case management conference held in this matter, Plaintiffs agreed to a schedule. On March 14, 2016, the court sent the parties a Journal Entry memorializing the parties' agreement. Plaintiffs agreed to file, by May 9, 2016, a written response to Defendant's recommendations stating whether Defendant's recommendations are accepted in full or in part; Plaintiffs' appeal is withdrawn; or a trial is requested. (Journal Entry at 1.) The Journal Entry advised that failure to comply with the deadlines set forth therein might result in dismissal of Plaintiffs' appeal. (*Id.*) That deadline passed and the court did not receive Plaintiffs' written response or any further communication from Plaintiffs.

On May 13, 2016, the court issued an Order requiring that, within 14 days of the date of the Order, Plaintiffs provide a written status report with three mutually convenient trial dates, a signed stipulated agreement, or Plaintiffs' request to withdraw their appeal. (Or at 2.) As of the

¹ This Final Decision of Dismissal incorporates without change the court's Decision of Dismissal, entered June 3, 2016. The court did not receive a statement of costs and disbursements within 14 days after its Decision of Dismissal was entered. See Tax Court Rule—Magistrate Division (TCR—MD) 16 C(1).

date of this Decision of Dismissal, the court has not received Plaintiffs' written response or any further communication from Plaintiffs. 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 Plaintiffs' appeal is dismissed.

Dated this ____ day of June 2016.

ALLISON R. BOOMER
MAGISTRATE

If you want to appeal this Final Decision of Dismissal, 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 of Dismissal or this Final Decision of Dismissal cannot be changed. TCR-MD 19 B.

This document was filed and entered on June 21, 2016.