

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

KT CONSTRUCTION INC.,	)	
	)	
Plaintiff,	)	TC-MD 170194N
	)	
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	<b>FINAL DECISION OF DISMISSAL<sup>1</sup></b>

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

Following the case management conference on July 5, 2017, the court issued a Journal Entry memorializing the parties' agreement to follow a schedule for submitting filings to the court. By July 12, 2017, Plaintiff was to file its returns with Defendant for the second and third quarters of 2016. Defendant then was to file its written recommendations with the court by July 26, 2017, and Plaintiff's response was due no later than August 2, 2017.

On August 7, 2017, after the parties' deadlines had passed, a court staff member called Defendant and left a voicemail requesting that the court be provided with a status report.

On August 18, 2017, after receiving no response or further communication from either party, the court issued an Order requiring Plaintiff to file a written status report, copy to Defendant, within 14 days of the date of the Order. The Order further advised that failure to comply with the deadline set forth therein would result in dismissal of Plaintiff's appeal.

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<sup>1</sup> This Final Decision of Dismissal incorporates without change the court's Decision of Dismissal, entered September 6, 2017. 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).

Plaintiff's deadline has passed and the court has not received Plaintiff's written status report or any 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 September 2017.

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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 signed by Magistrate Boomer and entered on September 22, 2017.***