

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

DENNIS EICHELBERGER,)
)
 Plaintiff,) TC-MD 130431D
)
 v.)
)
 DEPARTMENT OF REVENUE,)
 State of Oregon,)
)
 Defendant.) **FINAL DECISION OF DISMISSAL**

The court entered its Decision of Dismissal in the above-entitled matter on May 19, 2014. The court did not receive a request for an award of costs and disbursements (TCR-MD 19) within 14 days after its Decision of Dismissal was entered. The court's Final Decision of Dismissal incorporates its Decision without change.

This matter is before the court on its own motion to dismiss this case for lack of prosecution. A trial was scheduled at 9:00 a.m. on May 5, 2014, to consider Plaintiff's appeal. On February 13, 2014, the court sent notice of the scheduled trial to Plaintiff at the email address Plaintiff provided to the court. The notice was not returned as undeliverable. The notice advised that if Plaintiff did not appear, the court might dismiss the appeal.

Plaintiff did not appear at the time set for trial. Under such circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

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IT IS THE DECISION OF THIS COURT that the Complaint is dismissed.

Dated this ____ day of May 2014.

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.

This document was signed by Magistrate Allison R. Boomer on May 23, 2014. The court filed and entered this document on May 23, 2014.