

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

LESLIE N. GARNER,)	
)	
Plaintiff,)	TC-MD 150040N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL

This Final Decision incorporates without change the court’s Decision entered on April 21, 2015. The court did not receive a request for an award of costs and disbursements within 14 days after its Decision was entered. *See* TCR-MD 16.

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

A case management conference was scheduled for 10:30 a.m. on March 30, 2015, to consider Plaintiff’s appeal. On March 12, 2015, the court sent notice of the scheduled case management conference to Plaintiff’s representative at the e-mail address provided to the court. The court’s notice was not returned as undeliverable. That notice advised that if Plaintiff’s representative did not appear, the court might dismiss the appeal.

Plaintiff’s representative failed to appear for the scheduled case management conference. On March 31, 2015, the court sent Plaintiff’s representative a letter that explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The court’s letter advised that if Plaintiff’s representative did not provide a written explanation by April 14, 2015, for his failure to appear, the court would dismiss the appeal. As of the date of this Decision of

Dismissal, Plaintiff's representative has not submitted a written response to the court's letter explaining his failure to appear, or provided any other written communication. Under such circumstances, the court finds Plaintiff's appeal must be dismissed for lack of prosecution. Now, therefore,

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

Dated this ____ day of May 2015.

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 Allison R. Boomer on May 11, 2015. The court filed and entered this document on May 11, 2015.