

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

ALYSSA A. GIANTONIO,)	
)	
Plaintiff,)	TC-MD 150408N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL

This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered November 17, 2015. The court did not receive a statement of costs and disbursements within 14 days after its Decision of Dismissal 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.

A case management conference was scheduled at 9:00 a.m. on October 28, 2015, to consider Plaintiff’s appeal. On October 12, 2015, the court sent notice of the scheduled case management conference to Plaintiff at the e-mail address Plaintiff provided to the court. The court’s notice was not returned as undeliverable. That notice advised that if Plaintiff did not appear, the court might dismiss the appeal.

Plaintiff called the court on October 21, 2015, and left a message indicating that she received her requested relief and wished to cancel her case management conference. A member of the court’s operation team returned Plaintiff’s call and stated that all requests must be in writing. Plaintiff returned the call and said that she would not appear at the case management conference and that her letter withdrawing her appeal was in the mail. As of the date of this Decision of Dismissal the court has not received a letter from Plaintiff withdrawing her appeal.

Plaintiff failed to appear for the scheduled case management conference. On October 28, 2015, the court sent Plaintiff 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 did not provide a written explanation by November 12, 2015, for her failure to appear, the court would dismiss the appeal. As of this date, Plaintiff has not submitted a written response to the court's letter explaining her failure to appear. Under the circumstances, the court finds the appeal must 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 December 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 filed and entered on December 14, 2015.