

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

LAURA L. GORDON,)	
)	
Plaintiff,)	TC-MD 160189C
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL¹

This matter came before the court on Defendant’s motion to dismiss, filed September 2, 2016. Since Plaintiff filed her Complaint this past April, three telephone case management conferences have been held in this case—the first two before Magistrate Robinson and the third before Magistrate Boomer. At the third case management conference, Plaintiff agreed to send additional information to Defendant by August 22, 2016. That agreement was memorialized in a Journal Entry that was mailed to Plaintiff at the address she provided, but which was returned by the post office marked “Not Deliverable as Addressed.” On September 2, 2016, Defendant filed its Recommendation with the court, reporting that it had not received any additional information from Plaintiff and requesting that the court dismiss Plaintiff’s Complaint for failure to comply with the parties’ agreement. The court issued its Order on September 19, 2016, requiring Plaintiff to submit a status report within 14 days or be dismissed. The court has not received from Plaintiff a response to its Order, a response to Defendant’s motion to dismiss, or any further communication at all.

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¹ This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered October 5, 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).

It is Plaintiff's responsibility to prosecute her case and to comply with the orders of this court. Pursuant to Tax Court Rule-Magistrate Division 21, the court "may enforce any decision, order, judgment, or other statement directing a party to perform a specific act by imposing sanctions," including "dismissal of the case." Upon consideration, the court grants Defendant's motion to dismiss. Now, therefore,

IT IS THE DECISION OF THIS COURT that Defendant's motion to dismiss is granted. Plaintiff's Complaint is dismissed.

Dated this ____ day of October, 2016.

POUL F. LUNDGREN
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 October 25, 2016.