

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

ANDREW HARMAN,)	
)	
Plaintiff,)	TC-MD 170054N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL¹

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 July 11, 2017, to discuss Plaintiff’s appeal and the recommendation made in Defendant’s Status Report, filed June 21, 2017. On June 26, 2017, the court sent notice of the scheduled case management conference to Plaintiff at the email address Plaintiff provided to the court. That notice advised that if Plaintiff did not appear, the court might dismiss the appeal.

Plaintiff failed to appear for the scheduled case management conference. On July 14, 2017, the court issued an Order requiring Plaintiff to explain his failure to appear at the case management conference and state whether he accepted the recommendation contained in Defendant’s Status Report. The court ordered Plaintiff to respond by July 28, 2017, and warned that the court would dismiss Plaintiff’s appeal if he failed to comply. As of this date, Plaintiff has not submitted a written response to the court’s Order or otherwise communicated with the

¹ This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered August 2, 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).

court. Under such 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.

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 and entered on August 22, 2017.