

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

JOSEPH Z. TELLSCHOW,)	
)	
Plaintiff,)	TC-MD 110784N
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	DECISION OF DISMISSAL

This matter is before the court on Defendant’s request to dismiss this case for lack of prosecution, included in its Reply filed May 15, 2012.

Defendant filed a motion to dismiss (motion) on December 29, 2011, stating that “there is no appealable issue before the court.” (Def’s Ltr at 2, Dec 29, 2011.) A case management conference was held on February 16, 2012, during which the parties discussed Defendant’s motion and agreed to a schedule by which to submit written arguments. That schedule was memorialized in a Journal Entry issued February 17, 2012. The Journal Entry advised that failure to comply with the deadlines set forth therein might result in dismissal of Plaintiff’s appeal.

Defendant filed written arguments in support of its motion on March 1, 2012. Plaintiff agreed to file a written response to Defendant’s motion by May 4, 2012. As of the date of this Decision, the court has not received Plaintiff’s written response to Defendant’s motion or any further communication from Plaintiff. On May 15, 2012, Defendant filed its Reply stating that, as of May 11, 2012, Defendant had “not received Plaintiff’s written response to Defendants written arguments” and requesting dismissal of this appeal. As of the date of this Decision,

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Plaintiff has not filed a response to Defendant's Reply. Under such circumstances, the court finds this matter should be dismissed for lack of prosecution. Now, therefore,

IT IS THE DECISION OF THIS COURT that this matter is dismissed.

Dated this ____ day of May 2012.

ALLISON R. BOOMER
MAGISTRATE PRO TEMPORE

If you want to appeal this Decision, 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 Decision or this Decision becomes final and cannot be changed.

This document was signed by Magistrate Pro Tempore Allison R. Boomer on May 22, 2012. The Court filed and entered this document on May 22, 2012.