IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

STEVEN M. GUSTAFSON,	)	
	)	
Plaintiff,	)	TC-MD 110815C
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	**DECISION OF DISMISSAL**

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

prosecution.

A case management conference was scheduled at 10:00 a.m. on November 1, 2011, to

consider Plaintiff's appeal. On July 8, 2011, the court sent notice of the scheduled case

management conference to the email address Plaintiff provided to the court. The notice was not

returned as undeliverable. The notice advised that if Plaintiff did not appear, the court might

dismiss the appeal.

On November 1, 2011, the court sent Plaintiff a letter which explained the importance of

diligently pursuing an appeal. That letter was sent to Plaintiff's address, 19875 SW Porcupine

Dr., Bend, OR 97702, which is the mailing address Plaintiff provided to the court. That letter

was not returned as undeliverable. The letter advised that if Plaintiff did not provide a written

explanation by November 15, 2011, for his failure to appear, the court would dismiss the appeal.

As of this date, Plaintiff has not submitted a written response to the court explaining his failure to

appear at the November 1, 2011, case management conference. 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 the Complaint is dismissed.

Dated this ____ day of December 2011.

_____
DAN ROBINSON
MAGISTRATE

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 Dan Robinson on December 9, 2011. The Court filed and entered this document on December 9, 2011.