

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

AL HAMAN and LORI HAMAN,	)	
	)	
Plaintiffs,	)	TC-MD 110958N
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

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

On June 5, 2012, the court sent the parties a Journal Entry setting out the schedule agreed upon by the parties during the June 4, 2012, case management conference. Plaintiffs agreed to provide additional information to Defendant by June 18, 2012. Defendant agreed to file written recommendations by July 9, 2012, after reviewing the additional information provided by Plaintiffs. By July 23, 2012, Plaintiffs agreed to file a written response to Defendant’s recommendations stating whether the appeal is settled; withdrawn; or a trial is requested. The Journal Entry advised that failure to comply with the deadlines set forth therein would result in dismissal of Plaintiffs’ appeal.

On July 11, 2012, Defendant filed written recommendations stating that Plaintiffs provided some additional information, but none of the additional information provided supported Plaintiffs’ claim. (Def’s Recommendations at 1.) Defendant stated that further requests for information were not answered by Plaintiffs. (*Id.*) As a result, Defendant “request[s] the Magistrate [] uphold the deficiency due to lack of substantiation by [] Plaintiff[s].” (*Id.*)

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As of the date of this Decision, the court has not received any further communication from Plaintiffs. As a consequence, 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 July 2012.

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ALLISON R. BOOMER  
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 Allison R. Boomer on July 27, 2012. The Court filed and entered this document on July 27, 2012.***