

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

ROBERT J. SMITH and ROBIN L. SMITH,)
)
)
Plaintiffs,) TC-MD 111086N
)
)
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 set in this matter for 9:45 a.m. on December 15, 2011. Plaintiffs' authorized representative, Barbara S. Craven (Craven), failed to appear for that proceeding. On December 15, 2011, Craven filed a letter stating "Attached gave me a call in time of 9:45 this morning but our phones were down until now. Can it be rescheduled. It was not my fault that I didn't call in – I wanted to and planned on it." The court set a second case management conference for 10:30 a.m. on January 4, 2012. Craven failed to appear for the case management conference on January 4, 2012.

On January 5, 2012, court issued an Order requiring Plaintiffs' representative to file, within 14 days of the date of the Order, a written response explaining her failure to appear for the January 4, 2012, case management conference and identifying three mutually convenient trial dates. The Order stated that "Plaintiffs' failure to file a written response will result in dismissal of this appeal." As of the date of this Decision, the court has received no further communication from Plaintiffs or their authorized representative. 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 January 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 January 25, 2012. The Court filed and entered this document on January 25, 2012.