

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

RS GROWER INC. and RAINSWEET, INC.,)	
)	
Plaintiffs,)	TC-MD 120020D
)	
v.)	
)	
POLK COUNTY ASSESSOR and)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendants.)	DECISION OF DISMISSAL

This matter is before the court on Defendant Department of Revenue’s (Defendant’s) Motion to Dismiss for lack of prosecution, filed July 25, 2012.

On June 19, 2012, Defendant filed its Motion for an Order of Discovery, Motion to Compel Discovery, and Motion for Sanctions. Plaintiffs did not file a response to Defendant’s Motions. On July 6, 2012, the court granted Defendant’s Motion for an Order of Discovery and Motion to Compel Discovery, stating that Plaintiffs were “to serve the requested discovery to Defendant by July 11, 2012.”

On July 25, 2012, Defendant filed its Motion to Dismiss, stating that Plaintiffs failed to comply with the court’s Order compelling discovery. As of the date of this decision, Plaintiffs have not responded to Defendant’s Motion to Dismiss.

On May 14, 2012, the parties agreed to a mediation to be held on August 9, 2012. In its letter filed August 9, 2012, Defendant stated that Defendants received notice one hour before the scheduled mediation that Plaintiffs did not intend to participate. In its letter, Defendant further wrote:

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“Parties should not be allowed to completely ignore the court’s orders, ignore numerous repeated requests for relevant information, ignore motion practice, and otherwise fail to prosecute their case, and then simply proceed to trial as if nothing had happened. Accordingly, we request that the court grant defendant’s Motion to Dismiss.”

After considering Plaintiffs egregious disregard for the court’s rules and its Order compelling discovery, Defendant’s Motion to Dismiss is granted. Now, therefore,

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

Dated this ____ day of August 2012.

JILL A. TANNER
PRESIDING 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 Presiding Magistrate Jill A. Tanner on August 13, 2012. The Court filed and entered this document on August 13, 2012.