

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

ANNA BOTHUM)	
and KRISTOPHER ROBINSON,)	
)	
Plaintiffs,)	TC-MD 120059N
)	
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 9:00 a.m. on April 11, 2012, to consider Plaintiffs' appeal. The court sent notice of the April 11, 2012, case management conference to Plaintiffs' authorized representative, LeMarcia A. Nelson (Nelson), at the email address that she provided to the court. The notice was not returned as undeliverable. Nelson failed to appear for the April 11, 2012, case management conference. On April 11, 2012, the court sent Nelson a letter which explained the importance of diligently pursuing an appeal. Nelson filed a letter with the court on April 16, 2012, stating that Plaintiffs wish to continue their appeal and requesting that the case management conference be rescheduled. She confirmed her email address.

A second case management conference was scheduled at 2:15 p.m. on May 9, 2012, and Nelson again failed to appear. Notice of the May 9, 2012, case management conference was sent to Nelson on April 17, 2012, at the email address that she provided to the court. The notice was not returned as undeliverable. The notice advised that if Plaintiffs did not appear, the court might dismiss the appeal.

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 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 10, 2012. The Court filed and entered this document on May 10, 2012.