

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

ST JOHNS STORAGE LLC,)
)
 Plaintiff,) TC-MD 120154N
)
 v.)
)
 MULTNOMAH COUNTY ASSESSOR,)
)
 Defendant.) **DECISION OF DISMISSAL**

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

A trial was scheduled at 9:00 on November 28, 2012, to consider Plaintiff's appeal. The parties agreed to trial on November 28, 2012, during the case management conference held in this matter on June 4, 2012. On June 5, 2012, the court sent notice of the scheduled trial to Plaintiff's authorized representative at the email address he 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 October 17, 2012, a new representative filed a notice of appearance on behalf of Plaintiff and requested discovery. The court issued an Order dated November 2, 2012, denying Plaintiff's discovery request and reminding the parties of the November 28, 2012, trial.

Plaintiff failed to appear at the November 28, 2012, trial. As of the date of this decision, the court has not received any communication from Plaintiff explaining its failure to appear at the November 28, 2012, trial. Under such circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

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IT IS THE DECISION OF THIS COURT that the Complaint is dismissed.

Dated this ____ day of November 2012.

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 Decision of Dismissal was signed by Magistrate Allison R. Boomer on November 28, 2012. The Court filed and entered this Decision of Dismissal on November 28, 2012.