

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

DONNA SIMONETTI-RASERA,)	
)	
Plaintiff,)	TC-MD 120237C
)	
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 1:30 p.m. on May 30, 2012, to consider Plaintiff's appeal. On May 9, 2012, the court sent notice of the scheduled case management conference to Plaintiff's representative by email to the email address provided to the court on the Authorization to Representative form. The notice was not returned as undeliverable. The notice advised that if Plaintiff's representative did not appear at the scheduled case management conference, the court might dismiss the appeal. Plaintiff's representative failed to appear at the case management conference on May 30, 2012.

On May 30, 2012, following the scheduled case management conference, the court sent a letter to Plaintiff's representative at 222 NW 10th Ave, Portland OR 97209, which explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The letter advised that if Plaintiff's representative did not provide a written explanation by June 13, 2012, for his failure to appear, the court would dismiss Plaintiff's appeal. As of this date, Plaintiff's representative has not submitted a written response to the court explaining his

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failure to appear at the May 30, 2012, case management conference. 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 June 2012.

DAN ROBINSON
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 Dan Robinson on June 18, 2012. The Court filed and entered this document on June 18, 2012.