

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

MARILYN G. FLINDERS,)
)
 Plaintiff,) TC-MD 120579N
)
 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 10:30 a.m. on August 8, 2012, to consider Plaintiff's appeal. On July 20, 2012, the court sent notice of the scheduled case management conference to Plaintiff's authorized representative at the email address that 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 August 8, 2012, the court sent a letter to Plaintiff's authorized representative that explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The letter advised that if Plaintiff's authorized representative did not provide a written explanation by August 23, 2012, for his failure to appear, the court would dismiss Plaintiff's appeal. As of this date, Plaintiff's authorized representative has not submitted a written response to the court explaining his failure to appear at the August 8, 2012, case management conference. 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 August 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 document was signed by Magistrate Allison R. Boomer on August 27, 2012. The Court filed and entered this document on August 27, 2012.