

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

GREGG ALEXANDER FLEMING,)	
)	
Plaintiff,)	TC-MD 120651N
)	
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 held on September 11, 2012, during which the parties agreed to a briefing schedule. That schedule was memorialized in a Journal Entry issued September 12, 2012. Plaintiff agreed to file a written response to Defendant’s Motion to Dismiss by October 11, 2012. The Journal Entry advised that failure to comply with the deadlines set forth therein might result in dismissal of Plaintiff’s appeal.

Plaintiff’s deadline to respond to Defendant’s Motion to Dismiss has passed and the court has not received Plaintiff’s written response or any further communication from Plaintiff. Under such circumstances, this matter should be dismissed for lack of prosecution. Now, therefore,

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IT IS THE DECISION OF THIS COURT that Plaintiff's Complaint is dismissed.

Dated this ____ day of October 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 October 17, 2012. The Court filed and entered this document on October 17, 2012.