

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

| | | |
|------------------------|---|------------------------------------|
| MILES LAURENCE MAILLET |) | |
| and ANGELIQUE MARIE |) | |
| ARCHAMBAULT, |) | |
| |) | |
| Plaintiffs, |) | TC-MD 130439N |
| |) | |
| v. |) | |
| |) | |
| DEPARTMENT OF REVENUE, |) | |
| State of Oregon, |) | |
| |) | |
| Defendant. |) | FINAL 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 September 11, 2013, to consider Plaintiffs' appeal. On August 22, 2013, the court sent notice of the scheduled case management conference to Plaintiffs at the email address Plaintiffs 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.

On September 11, 2013, the court sent Plaintiffs a letter which explained the importance of diligently pursuing an appeal. That letter sent to the address that Plaintiffs provided to the court was not returned as undeliverable. The letter advised that if Plaintiffs did not provide a written explanation by September 25, 2013, for their failure to appear, the court would dismiss this appeal. As of this date, Plaintiffs have not submitted a written response to the court explaining their failure to appear at the September 11, 2013, 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 September 2013.

ALLISON R. BOOMER
MAGISTRATE

If you want to appeal this Final Decision of Dismissal, 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 Final Decision of Dismissal or this Final Decision of Dismissal cannot be changed.

This document was signed by Magistrate Allison R. Boomer on September 30, 2013. The court filed and entered this document on September 30, 2013.