

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

ILDA ORTIZ and LUIS M. ORTIZ,	)	
	)	
Plaintiffs,	)	TC-MD 130458D
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	<b>FINAL DECISION OF DISMISSAL</b>

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

On September 3, 2013 Plaintiffs filed a Complaint. An initial case management conference was held on October 21, 2013, and on that date the court issued a Journal Entry, stating the parties' agreement to provide additional information and written responses by specific dates. The court's Journal Entry stated that Plaintiffs' failure to fulfill the agreed upon schedule might result in dismissal of their appeal.

On November 29, 2013, Defendant's representative, Tony Inovejas wrote:

"Plaintiff did not provide additional information or document to the Defendant follow the Case Management Conference held on October 21, 2013. Defendant's position remains the same; that the Working Family Credit (WFC) and the Child and Dependent Care Credit (CDC) cannot be allowed.

"Defendant recommends the court to uphold the Notice of Proposed Adjustment/and or (*sic*) Distribution dated June 27, 2013."

(Def's Recommendation at 1.)

As of this date, Plaintiffs have not corresponded with the court. Plaintiffs failed to submit additional information to Defendant by November 21, 2013. Plaintiffs' written response to Defendant's recommendation was to be submitted to the court and Defendant no later than January 3, 2014. As of this date, Plaintiffs have not withdrawn their appeal or requested a trial.

Because Plaintiffs failed to submit additional information to Defendant, as agreed to, and to respond to Defendant's recommendation, the court concludes that Plaintiffs' appeal should be dismissed. Now, therefore,

IT IS THE DECISION OF THIS COURT that this matter is dismissed.

Dated this \_\_\_\_ day of January 2014.

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JILL A. TANNER  
PRESIDING 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 Final Decision of Dismissal was signed by Presiding Magistrate Jill A. Tanner on January 14, 2014. The Court filed and entered this Final Decision of Dismissal on January 14, 2014.***