

IN THE MAGISTRATE DIVISION
OF THE OREGON TAX COURT

Small Claims

Income Tax

RIC D. AND TINA M. HEALEA,)	
)	
Plaintiffs,)	No. 000596E
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
STATE OF OREGON,)	
)	
Defendant.)	DECISION AND JUDGMENT OF DISMISSAL

This matter is before the court on its own motion to dismiss the above-entitled case for lack of prosecution by plaintiffs.

Plaintiffs failed to appear for the case management conference that was scheduled to begin at 8:30 a.m. on June 27, 2000. The court sent plaintiffs a letter on that date advising them it had called for the proceeding. The letter further stated:

"Failing to appear for scheduled court proceedings is taken seriously by the court, especially when both the court and other party have set aside time to prepare for the event. In order to proceed with your appeal, you must submit to the court by July 11, 2000, a written explanation for your failure to appear. **If the court does not receive this written explanation by July 11, 2000, it will dismiss your case for lack of prosecution.**" (Court's 2/27/00 Letter) (emphasis in original).

The July 11, 2000, deadline has passed with plaintiffs failing to contact the court as requested. As a consequence, the court finds the case should be dismissed for lack of prosecution. Now, therefore;

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IT IS HEREBY ADJUDGED AND DECREED that the Complaint is
DECISION AND JUDGMENT OF DISMISSAL

dismissed.

Dated this _____ day of July, 2000.

COYREEN R. WEIDNER
MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE COYREEN R. WEIDNER ON
JULY 26, 2000. THE COURT FILED THIS DOCUMENT ON JULY 26, 2000.**