

IN THE MAGISTRATE DIVISION
OF THE OREGON TAX COURT
Small Claims
Income Tax

MICHAEL M. IRWIN,)	
)	
Plaintiff,)	No. 001021E
)	
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 this case for want of prosecution.

A case management conference was scheduled on January 2, 2001, to consider plaintiff's appeal.¹ Plaintiff was not available at the time set for the case management conference. Later that day, plaintiff called the court to inquire about the proceeding. Because plaintiff called into the court, the court agreed to reset the proceeding to February 6, 2001. Court staff advised plaintiff of the importance of being available at the time set for the proceeding. When the court called for the February 6, 2001, conference, plaintiff was again not available for the conference. Given the state of this appeal and plaintiff's lack of diligence in prosecuting his case, the court finds the case should be dismissed for want of prosecution. Now, therefore;

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¹ Earlier, a case management conference had been scheduled for November 21, 2000, but was set over by the court pursuant to defendant's request. A case management conference was then scheduled for December 7, 2000, but was set over by the court pursuant to plaintiff's request.

IT IS HEREBY ADJUDGED AND DECREED that the Complaint is dismissed.

Dated this ____ day of February, 2001.

COYREEN R. WEIDNER
MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE COYREEN R. WEIDNER ON
FEBRUARY 14, 2001. THE COURT FILED THIS DOCUMENT ON FEBRUARY 14,
2001.**