

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

MARLYN R. THOMAS,	)	
	)	
Plaintiff,	)	No. 020070D
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
STATE OF OREGON,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

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

A case management conference held on April 10, 2002, to consider Plaintiff's appeal. Ms. Marlyn Thomas appeared on her own behalf. Mr. Jerry Ming, Tax Auditor, appeared on behalf of Defendant.

At the conclusion of the conference, Ms. Thomas agreed to submit additional information concerning her appeal to Defendant. On June 5, 2002, the court received a copy of a letter written by Mr. Ming to Ms. Thomas. Mr. Ming wrote that he "made several attempts to obtain a 1997 California tax return" for Ms. Thomas and was "told the 1997 return" is not available. Mr. Ming wrote that after reviewing the information submitted to him by Ms. Thomas in her letter dated April 10, 2002, he "can find no reason to make changes to the original deficiency."

On June 10, 2002, a notice of a second case management conference was sent to Ms. Thomas at 2111 Kings Highway #2, Medford, Oregon 97501, which was the address she provided to the court. The notice was returned as undeliverable. On June 25, 2002, the court sent a second notice. The notice was returned as undeliverable. Ms. Thomas has failed to submit a change of address to the court.

On July 8, 2002, the court telephoned Ms. Thomas, using the telephone number submitted by Ms. Thomas on her Complaint. The court was informed that it was no longer a working telephone number.

Without her address or telephone number, the court is unable to communicate with Ms. Thomas. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

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

Dated this \_\_\_\_ day of July, 2002.

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JILL A. TANNER  
PRESIDING MAGISTRATE

**IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, FOURTH FLOOR, 1241 STATE ST., SALEM, OR 97301-2563. 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 MAGISTRATE JILL A. TANNER ON JULY 18, 2002. THE COURT FILED THIS DOCUMENT ON JULY 18, 2002.**