

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Small Claims  
Income Tax

GRAHAM A. BERG and KIMBERLY M. BERG,	)	
	)	
Plaintiffs,	)	TC-MD 021210F
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE, STATE OF OREGON,	)	
	)	
Defendant.	)	<b>DECISION AND JUDGMENT 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 was scheduled on January 8, 2003, to consider Plaintiffs' appeal. On December 3, 2002, Kimberly Berg informed the court that Plaintiffs were withdrawing their appeal. She was advised by court staff to notify the court in writing of their request to withdraw their appeal. Plaintiffs did not appear at the case management conference. Court staff has contacted Plaintiffs three additional times to request their withdrawal in writing.

As of this date, Plaintiffs have not contacted the court. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

IT IS ADJUDGED AND DECREED that the Complaint is dismissed.

Dated this \_\_\_\_ day of June, 2003.

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SALLY L. KIMSEY  
MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE SALLY L. KIMSEY ON  
JUNE 18, 2003. THE COURT FILED THIS DOCUMENT ON JUNE 18, 2003.**