

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Small Claims
Income Tax

JANIS BOWLBY,)	
)	
Plaintiff,)	TC-MD 050718C
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	DECISION and JUDGMENT
Defendant.)	OF DISMISSAL

This matter is before the court on its own motion to dismiss this case for want of prosecution. Three case management conferences have been scheduled to consider Plaintiff's appeal.

After failing to appear at the October 11, 2005, case management conference, Plaintiff responded to the court's letter, explained a family member had been ill, and requested the case management conference to be rescheduled in two months. The court honored that request, scheduling a case management conference for January 5, 2006. On October 24, 2005, notice of the second case management conference was sent to Plaintiff at 3000 Lindquist Court, Newberg, Oregon 97132, which was the address Plaintiff provided to the court with her Complaint. The notice was not returned as undeliverable. Plaintiff did not appear at that case management conference, and there was no explanation for Plaintiff's failure to appear at the second case management conference.

On January 5, 2006, the court sent Plaintiff a letter which stated the case management conference would be set a third time. The letter explained that if Plaintiff failed to appear at that

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DECISION and JUDGMENT OF DISMISSAL TC-MD 050718C

case management conference, the court would immediately dismiss the appeal. On January 6, 2006, notice of the February 28, 2006, conference was sent to Plaintiff at the address provided by Plaintiff. The notice was not returned as undeliverable.

On February 28, 2006, Court staff was not able to reach Plaintiff at the number provided with the Complaint. Plaintiff did not phone the court after not hearing from us within 10 minutes of the scheduled time. No other number was provided. That was the third time that Plaintiff failed to appear for a court proceeding regarding this appeal. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

IT IS ADJUDGED that this matter is dismissed.

Dated this ____ day of March 2006.

DAN ROBINSON
MAGISTRATE

This document is final and may not be appealed. ORS 305.514.

This document was signed by Magistrate Dan Robinson March 3, 2006. The Court filed this document March 3, 2006.