

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

RICCI FIARITO)	
and LINDSAY FIARITO,)	
)	
Plaintiffs,)	TC-MD 070057B
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	DECISION 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 April 9, 2007, at 9:00 a.m., to consider Plaintiffs' appeal. On February 27, 2007, notice of the case management conference was sent to Plaintiffs at 8909 SE Harrison, Portland, OR 97216, which was the address Plaintiffs provided to the court. The notice was not returned as undeliverable. Court staff phoned Lindsay Fiarito (Fiarito) at the number provided with the Complaint. Fiarito informed court staff that she was in a meeting and unable to take the call. Fiarito was instructed to fax a request to reschedule the case management conference to the court that same day. The court did not receive that request.

On April 10, 2007, the court sent Plaintiffs a letter, which explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The letter advised that if Plaintiffs did not provide a written explanation by April 23, 2007, for why they were unavailable for the April 9, 2007, case management conference, the court would dismiss the

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appeal. 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 THE DECISION OF THIS COURT that this matter be dismissed.

Dated this ____ day of April 2007.

JEFFREY S. MATTSON
MAGISTRATE

If you want to appeal this Decision, file a Complaint in the Regular Division of the Oregon Tax Court, by mailing to: 1163 State Street, Salem, OR 97301-2563; or by hand delivery to: Fourth Floor, 1241 State Street, Salem, OR.

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 Jeffrey S. Mattson on April 25, 2007. The Court filed and entered this document on April 25, 2007.