

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

DIANA S. GOMEZ,)	
)	
Plaintiff,)	TC-MD 070120D
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	DECISION OF DISMISSAL

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

On March 7, 2007, Plaintiff filed a Complaint. That Complaint was deficient because it was not completely filled out or signed by Plaintiff. By letter dated March 13, 2007, the court sent an Amended Complaint to be completed and returned to the court no later than March 23, 2007. That letter was sent to 40803 SE Highway 26, Sandy, Oregon 97055, which is the address shown on Plaintiff's envelope to the court and on Plaintiff's check for the filing fee.¹ The letter specifically stated that the Amended Complaint must be dated and signed by Plaintiff. Also enclosed with that letter was a court handbook providing general information about filing an appeal in the Magistrate Division of the Oregon Tax Court. That letter was not returned as undeliverable and the court received no response to the March 13, 2007, letter.

On March 29, 2007, court personnel called the telephone number listed on Plaintiff's check for the filing fee, 503-655-5660, which is the only telephone number on any of the documents submitted to the court. The person who answered that number said it is a business

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¹ No address was filled in on the Complaint form.

number and that Plaintiff no longer works there. No other telephone number for Plaintiff was given by the party answering the phone at that number.

On April 4, 2007, the court sent another letter to Plaintiff at the same address, 40803 SE Highway 26, Sandy, Oregon 97055. That letter confirmed the court had not received a response to its March 13, 2007, letter and stated that original signatures of plaintiffs are required for valid appeals to be filed with the court. The court advised that failure to respond to the letter in writing by April 20, 2007, would result in dismissal. That letter was not returned as undeliverable and the court has received no response to the April 4, 2007, letter.

As of this date, Plaintiff has not responded to the court's requests. As a result, the court concludes the appeal should be dismissed. Now, therefore,

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

Dated this _____ day of April 2007.

JILL A. TANNER
PRESIDING 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 Presiding Magistrate Jill A. Tanner on April 30, 2007. The Court filed and entered this document on April 30, 2007.