

**ILLINOIS INDEPENDENT
TAX TRIBUNAL**

CHINA HUT 3, INC.,)	
an Illinois Corp.,)	
)	
Petitioner,)	
)	
v.)	14 TT 164
)	Judge Brian F. Barov
ILLINOIS DEPARTMENT)	
OF REVENUE,)	
)	
Respondent.)	

ORDER

At today’s status conference, attended by both parties, the Department moved to set this matter for a pretrial conference on the ground that the Petitioner has repeatedly failed to provide the documents and explanatory memoranda that it had agreed to provide to the Department in order advance the settlement of this case.

After a discussion of the issues and review of this matter, the Tribunal finds:

1. The Petitioner filed an amended petition in this matter on September 11, 2014, challenging a notice of tax liability assessing additional sales tax for the audit period of January 1, 2010 through April 30, 2012. This matter is related to *China Hut 3, Inc. v. Dep’t of Revenue*, No. 15 TT 35, in which Petitioner filed a petition on February 13, 2015, challenging notices of deficiency assessing additional corporate income tax for the 2010 and 2011 tax years. The order entered today applies to and will be entered on the Tribunal docket in both matters.

2. At a December 16, 2014, status conference held in the 14 TT 164 case, Petitioner’s counsel indicated that he had received documents from the Petitioner that would substantiate its claims and agreed to turn over these documents to the

Department with an explanatory summaries or memoranda detailing its disagreements with the Department audit, in order to further narrow or resolve the issues in this case.

3. At a February 18, 2015 status conference, in the 14 TT 164 case, Department counsel indicated that she had received documents from the Petitioner. Petitioner's counsel and accountant indicated that they were still in the process of drafting an explanatory memorandum for the Department and that it would be completed and provided to the Department within 30 days.

4. At a May 20, 2015 status conference in both the 14 TT 164 and 15 TT 35 cases, which had been rescheduled from an April 1, 2015, Petitioner's counsel and accountant again stated that the anticipated memorandum was not yet completed and would be provided within the next two weeks.

5. At the July 21, 2015 status conference in the 14 TT 164 and 15 TT 35 cases, Petitioner's counsel and accountant stated that they had not yet completed and provided the promised memorandum.

6. At an August 25, 2015 status conference in the 14 TT 164 and 15 TT 34 cases, the promised memorandum had not been completed and provided to the Department.

It is thus ORDERED:

The next status conference is set for September 29, 2015, at 9:15 a.m. by telephone. Prior to the next status conference, Petitioner will provide the Department with the promised memorandum sufficiently explaining its audit position in order to permit the Department to review its determinations in case No. 14 TT 164 and case No. 15 TT 35. If Petitioner does not complete and provide this memorandum before the next status date, the Tribunal will entertain a motion to dismiss this matter with prejudice under section 1-60(d) of the Illinois Independent Tribunal Act, 35 ILCS 1010/1-60(d).

s/ Brian Barov
BRIAN F. BAROV
Administrative Law Judge

Date: August 25, 2015