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**DISTRICT IV**

May 23, 2024

To:

Hon. Stacy A. Smith  
Circuit Court Judge  
Electronic Notice

Chase A. Horne  
Electronic Notice

Alecia Pellegrini-Kast  
Clerk of Circuit Court  
Juneau County Justice Center  
Electronic Notice

Nicole Marklein  
Electronic Notice

Jake Luther

William Austin Brookley  
Electronic Notice

Luther Rentals, LLC

You are hereby notified that the Court has entered the following opinion and order:

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2023AP652

City of New Lisbon v. Luther Rentals, LLC (L.C. # 2022CV6)

Before Blanchard, Nashold, and Taylor, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Jake Luther, pro se, appeals the circuit court order that granted a money judgment against Luther and in favor of the City of New Lisbon. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> We dismiss this appeal as moot.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

After Luther filed his brief-in-chief, the City moved to dismiss Luther’s appeal as moot. Luther opposed the motion. This court denied the motion to dismiss but directed the parties to address mootness and whether any mootness exceptions apply in their remaining briefs.

The City argues in its respondent’s brief that this appeal is moot because, after Luther filed his notice of appeal, the circuit court vacated the City’s judgment against Luther. *See Portage Cnty. v. J.W.K.*, 2019 WI 54, ¶12, 386 Wis. 2d 672, 927 N.W.2d 509 (“Appellate courts generally decline to reach moot issues, and if all issues on appeal are moot, the appeal should be dismissed.”). The City also argues that none of the exceptions to mootness apply in this case. *See id.* (We may choose to address moot issues in “exceptional or compelling circumstances.” (quoted source omitted)).

In lieu of a reply brief, Luther has filed a document stating that no reply brief will be filed. Accordingly, we take as conceded the City’s contention that the appeal is moot and that no exceptions to mootness apply. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (a matter not refuted is deemed admitted). Accordingly, we dismiss the appeal.

Therefore,

IT IS ORDERED that this appeal is dismissed as moot pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*