



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

June 11, 2026

To:

Hon. Ann M. Peacock
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Ace Automotive
c/o Adrian Farrow
1002 S. Whitney Way
Madison, WI 53711

Ruthie M. Donaldson
7114 Turnberry Road
Madison, WI 53719

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

2025AP727

Ruthie M. Donaldson v. Ace Automotive (L.C. # 2024SC7361)

Before Kloppenburg, J.¹

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).

Ace Automotive, pro se, appeals a small claims judgment awarding \$8,445.22 to Ruthie Donaldson. Ace Automotive argues that the circuit court erred in imposing liability by: disregarding a state statute and a federal rule that, according to Ace Automotive, allow “as-is” sales of vehicles disclaiming any warranties; improperly relying on a post-sale inspection of the vehicle; and entering judgment without finding fraud or misrepresentation. Donaldson has not filed a brief responding to Ace Automotive’s arguments. Based on my review of Ace

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

Automotive's brief and the record, I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. § 809.21(1). I affirm.

In November 2024, Donaldson filed a small claims summons and complaint against Ace Automotive, alleging that Ace Automotive sold her a vehicle that was unsafe and that endangered her life and others' lives and seeking damages of over \$9,000. Ace Automotive filed an answer and counterclaim. In February 2025, a court commissioner decided the case in Donaldson's favor, and Ace Automotive filed a demand for a trial de novo before the circuit court. The court held a trial de novo, and a final judgment for \$8,445.22 was entered in favor of Donaldson in April 2025.

On appeal, Ace Automotive argues that the circuit court erred in the three respects stated above. Ace Automotive's arguments fail for at least the following reasons. Ace Automotive bases its arguments on factual assertions that Ace Automotive does not support with citations to the appellate record, in violation of WIS. STAT. RULE 809.19(1)(d). *See State v. McMorris*, 2007 WI App 231, ¶30, 306 Wis. 2d 79, 742 N.W.2d 322 (this court may "choose not to consider ... arguments that lack proper citations to the record"). Also, my review of the record reveals that it does not contain any support for Ace Automotive's assertions. For example, the record does not contain the "Buyer's Guide" that Ace Automotive asserts contained the language disclaiming all warranties.

Nor does the record contain the transcript of the trial. Accordingly, I cannot determine what evidence or arguments the parties presented to the circuit court, what findings of fact the court made, or how the court applied the applicable law to those facts. More specifically, the record does not show, and Ace Automotive does not explain, how the court resolved the issues

that Ace Automotive raises on appeal regarding as-is sales, a post-sale inspection, and fraud and misrepresentation. “We are bound by the record as it comes to us.” *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26, 496 N.W.2d 226 (Ct. App. 1993). “[W]hen an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the [circuit] court’s ruling.” *Id.* at 27. So, here, I assume that the trial transcript supports the court’s imposition of liability and award of damages.

Because Ace Automotive fails to point this court to any facts in the record supporting its arguments of circuit court error, and my review of the record reveals no such support, I affirm.

IT IS ORDERED that the judgment is summarily affirmed under WIS. STAT. RULE 809.21(1).

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

Samuel A. Christensen
Clerk of Court of Appeals