

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Mandamus

Adlon C. Adams, 225 Manitoba Ave LLC,
Olivia A. Adams, Wayzata Cottage, LLC, and
Robert C. Fisher, as Trustee of the Robert C.
Fisher Trust dated July 8, 2016,

Court File No. —27-CV-25-18923

SUMMONS

Plaintiffs/Petitioners,

vs.

City of Wayzata,
a Minnesota municipal corporation,

Defendant/Respondent.

THIS SUMMONS IS DIRECTED TO: THE ABOVE-NAMED DEFENDANT:

1. YOU ARE BEING SUED. The Plaintiffs have started a lawsuit against you. The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

Malkerson Gunn Martin LLP
5353 Gamble Drive, Ste. 225
Minneapolis, MN 55416

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs

everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

MALKERSON GUNN MARTIN LLP

Dated: October 17, 2025.

By: /s/Patrick B. Steinhoff

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STATE OF MINNESOTA

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Adlon C. Adams, 225 Manitoba Ave LLC,
Olivia A. Adams, Wayzata Cottage, LLC, and
Robert C. Fisher, as Trustee of the Robert C.
Fisher Trust dated July 8, 2016,

Court File No. _____

**COMPLAINT AND VERIFIED
PETITION FOR ALTERNATIVE
WRIT OF MANDAMUS**

Plaintiffs/Petitioners,

vs.

City of Wayzata,
a Minnesota municipal corporation,

Defendant/Respondent.

For their Complaint against Defendant/Respondent, the City of Wayzata (“City”), Plaintiffs/Petitioners, Adlon Adams, 225 Manitoba Ave LLC, Olivia Adams, Wayzata Cottage, LLC, and Robert C. Fisher, as Trustee of the Robert C. Fisher Trust dated July 8, 2016 (collectively, “Plaintiffs”), state and allege as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Adlon C. Adams is an individual person who resides in the State of California.
2. Plaintiff 225 Manitoba Ave LLC is a Minnesota limited liability company formed and existing under the laws of the state of Minnesota.
3. Plaintiff Olivia A. Adams is an individual person who resides in the State of California.
4. Plaintiff Robert C. Fisher is an individual person who resides in Minnesota. Robert C. Fisher is Trustee of the Robert C. Fisher Trust dated July 8, 2016.

5. Plaintiff Wayzata Cottages, LLC is a Minnesota limited liability company formed and existing under the laws of the state of Minnesota.

6. Defendant, City of Wayzata (“City”), is a Minnesota municipal corporation under the laws of the State of Minnesota. At all relevant times herein, the City has possessed the power of eminent domain pursuant to Minnesota Statutes Chapter 117 to acquire private property and property interests.

7. Plaintiffs bring their claims for declaratory relief pursuant to the Minnesota Uniform Declaratory Judgment Act, Minn. Stat. § 555.01, et seq., and also pursuant to the judicial review provision of the Minnesota Municipal Planning Act, Minn. Stat. § 462.361, et seq.

8. Plaintiffs bring their claims for mandamus and inverse condemnation pursuant to Minn. Stat., Ch. 586. District courts have exclusive original jurisdiction over mandamus cases pursuant to Minn. Stat. § 586.11 and other applicable authority.

9. Venue is proper in this judicial district pursuant to Minn. Stat. § 542.02, Minn. Stat. § 542.09 and Minn. Stat. § 586.12 because this action concerns real properties located in Hennepin County; because the acts giving rise to this action occurred in Hennepin County; and because the City of Wayzata is located in Hennepin County.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

10. This action relates to Plaintiffs’ use of properties owned by Plaintiffs located within the City as short-term rentals (“STRs”). Until very recently, the City allowed the owners of properties located within the City to use those properties as STRs. Indeed, Plaintiffs all purchased their properties; made extensive improvements to their properties; and maintained their properties for many years in reliance on the ordinances adopted by the City allowing use of single-family homes for STR purposes.

11. Plaintiff Adlon C. Adams owns real property located at 257 Central Avenue, Wayzata, Minnesota (the “257 Central Property”). The 257 Central Property is a single-family home. Plaintiff Adlon C. Adams uses the 257 Central Property as an STR. Plaintiff Adlon C. Adams purchased the 257 Central Property specifically to use the 257 Central Property as an STR. Plaintiff Adlon C. Adams has made substantial improvements to the 257 Central Property specific to its use as an STR in reliance on the City’s ordinances allowing property owners to use single-family homes as STRs.

12. Plaintiff 225 Manitoba Ave LLC owns real property located 225 Manitoba Ave, Wayzata, Minnesota (the “225 Manitoba Property”). The 225 Manitoba Property is a single-family home. Plaintiff 225 Manitoba Ave LLC uses the 225 Manitoba Property as an STR. Plaintiff 225 Manitoba Ave LLC purchased the 225 Manitoba Property specifically to use the 225 Manitoba Property as an STR. Plaintiff 225 Manitoba Ave LLC has made substantial improvements to the 225 Manitoba Property specific to its use as an STR in reliance on the City’s ordinances allowing property owners to use single-family homes as STRs.

13. Plaintiff Olivia A. Adams owns real property located at 247 Central Avenue, Wayzata, Minnesota (the “247 Central Property”). The 247 Central Property is a single-family home. Plaintiff Olivia A. Adams uses the 247 Central Property as an STR. Plaintiff Olivia A. Adams purchased the 247 Central Property specifically to use the 247 Central Property as an STR. Plaintiff Olivia A. Adams has made substantial improvements to the 247 Central Property specific to its use as an STR in reliance on the City’s ordinances allowing property owners to use single-family homes as STRs.

14. Plaintiff Wayzata Cottage LLC owns real property located at 1045 Lake Street E, Wayzata, Minnesota (the “1045 Lake Property”). The 1045 Lake Property is a single-family home.

Plaintiff Wayzata Cottage LLC uses the 1045 Lake Property as an STR. The chief manager of Plaintiff Wayzata Cottage LLC purchased the 1045 Lake Property for use as her principal residence but converted the 1045 Lake Property for use as an STR when she relocated out-of-state. Plaintiff Wayzata Cottage LLC has made substantial improvements to the 1045 Lake Property specific to its use as an STR in reliance on the City's ordinances allowing property owners to use single-family homes as STRs.

15. Plaintiff Robert C. Fisher, as Trustee of the Robert C. Fisher Trust dated July 8, 2016, owns real property located at 127 Central Avenue, Wayzata Minnesota (the "127 Central Property"). The 127 Central Property is a single-family home with an accessory dwelling unit. Plaintiff Robert C. Fisher, as Trustee, uses the accessory dwelling unit located on the 127 Central Property as an STR. Plaintiff Robert C. Fisher, as Trustee, purchased the 127 Central Property specifically to use the accessory dwelling unit located on the 127 Central Property as an STR. Plaintiff Robert C. Fisher, as Trustee, has made substantial improvements to the accessory dwelling unit located on the 127 Central Property specific to its use as an STR in reliance on the City's ordinances allowing property owners to use single-family homes as STRs.

16. Plaintiffs all hold rental dwelling licenses issued by the City pursuant to Chapter 815 of the City Code. The rental dwelling licenses issued by the City and held by Plaintiffs allow Plaintiffs to rent their properties to tenants for terms of any length, including terms of less than 30 days.

17. The rental dwelling licenses held by Plaintiffs expire on March 30, 2026.

18. On or about September 9, 2025, the City, through its City Council, adopted Ordinance 852 to prohibit use of real property for short term rentals within the boundaries of the City.

19. Ordinance 852 amends Chapter 815 of the Wayzata City Code, which regulates rental dwelling licenses, to state that “[n]o person is allowed to lease, license or agree to allow the use of a dwelling unit, or portion thereof, for a short-term rental.”

20. Ordinance 852 amends Chapter 815 of the Wayzata City Code to define “Short-Term Rental” as a “lease, license or other agreement for the occupancy, possession or tenancy of a rental dwelling, or portion thereof, where the actual term of occupancy, possession, or tenancy is less than 30 consecutive calendar days.”

21. The City Council approved the first reading of Ordinance 852 on September 9, 2025.

22. The City Council approved the second reading of Ordinance 852 on September 23, 2025.

23. The City published Ordinance 852 on October 6, 2025.

24. The effective date of Ordinance 852 is April 1, 2026, the day following the expiration of the term of the STR licenses issued by the City to Plaintiffs.

25. Ordinance 852 is an ordinance which regulates the use of buildings, structures and land for trade, industry, residence, and other purposes and which establishes standards and procedures regulating such use. Accordingly, Ordinance 852 is a zoning ordinance even though the City does not describe it as such.

26. As a zoning ordinance, Ordinance 852 is subject to the requirements and limitations set forth in the Municipal Planning Act (“MPA”), Minn. Stat. § 462.351, et seq, relating to the adoption and enforcement of municipal zoning ordinances.

27. The MPA requires, in Minn. Stat. § 462.357, subd. 3, that a municipality conduct a public hearing before the municipality’s planning agency or governing body prior to adopting or

amending a zoning ordinance. This statutory requirement is mirrored in the requirements set forth in the zoning ordinance adopted and maintained by the City. In particular, Section 903.02.C of the Wayzata City Code requires that the City Planning Commission conduct a public hearing prior to adopting or amending a zoning ordinance.

28. Prior to adopting Ordinance 852, the City did not conduct a public hearing before the Wayzata Planning Commission as required by the Municipal Planning Act, Minn. Stat. § 462.357, subd. 3, and by Section 903.02.C of the Wayzata City Code.

29. The MPA limits, in Minn. Stat. § 462.357, subd. 1e, the circumstances in which a municipality may restrict or prohibit any nonconformity, including nonconforming uses and structures, existing at the time of the adoption or amendment of a zoning ordinance by the municipality. This statutory limitation is acknowledged in the zoning ordinance adopted and maintained by the City. In particular, Chapter 915 of the Wayzata City Code sets forth the limited circumstances in which the City may restrict or prohibit legal nonconforming uses or structures existing at the time of the adoption or amendment of a zoning ordinance by the City.

30. Plaintiffs' use of their respective properties as STRs were nonconforming uses existing at the time of the adoption of Ordinance 852 by the City. Accordingly, Plaintiffs are entitled to the protections set forth in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code. Accordingly, Plaintiffs may continue use of their respective properties as STRs notwithstanding the adoption of Ordinance 852 by the City.

31. Ordinance 852 is a regulation that goes too far such that it unfairly diminishes the value of Plaintiffs' land, causing Plaintiffs to bear burdens that should be borne by all residents of the City. As such, the City's adoption of Ordinance 852 constitutes a taking of Plaintiffs' property without just compensation first being paid and secured in violation of the Fifth and Fourteenth

Amendments to the United States Constitution and also in violation of Article 1, Section 13 of the Minnesota Constitution.

COUNT I
DECLARATORY JUDGMENT AND JUDICIAL REVIEW
PURSUANT TO MINN. STAT. § 462.361

32. Plaintiffs adopt by reference the preceding paragraphs above as if fully restated herein.

33. Plaintiffs are parties aggrieved by the City's adoption of Ordinance 852 prohibiting continued use of their properties as STRs.

34. Prior to adopting Ordinance 852, the City did not conduct a public hearing before the Wayzata Planning Commission as required by the Municipal Planning Act, Minn. Stat. § 462.357, subd. 3, and by Section 903.02.C of the Wayzata City Code.

35. Pursuant to Minn. Stat. § 462.361, subd. 1, Plaintiffs are entitled to reversal of the City's decision to adopt Ordinance 852 for the City's failure to comply with requirements for the adoption or amendment of zoning ordinances set forth in the MPA and in the City's own zoning ordinance.

36. Plaintiffs are further entitled to judgment declaring that Ordinance 852 is void and of no effect for the City's failure to comply with requirements for the adoption or amendment of zoning ordinances set forth in the MPA and in the City's own zoning ordinance.

COUNT II
DECLARATORY JUDGMENT/PERMANENT INJUNCTION

37. Plaintiffs adopt by reference the preceding paragraphs above as if fully restated herein.

38. The MPA and the City's own zoning ordinance limit the circumstances in which the City may restrict or prohibit STRs existing at the time of the City's adoption of Ordinance 852.

39. Plaintiffs' use of their respective properties as STRs were nonconforming uses existing at the time of the adoption of Ordinance 852 by the City.

40. Plaintiffs are entitled to the protections set forth in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code.

41. Plaintiffs are entitled to judgment declaring that Plaintiffs may continue use of their respective properties as STRs notwithstanding the adoption of Ordinance 852 by the City so long as Plaintiffs use those properties consistent with the limitations stated in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code.

42. Plaintiffs are entitled to judgment enjoining the City from enforcing Ordinance 852 against Plaintiffs or otherwise compelling Plaintiffs to cease use of their properties as STRs so long as Plaintiffs use those properties consistent with the limitations stated in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code.

COUNT III
MANDAMUS/REGULATORY TAKING/INVERSE CONDEMNATION

43. Plaintiffs adopt by reference the preceding paragraphs above as if fully restated herein.

44. Count III is asserted in the alternative to Counts I and II, above.

45. Through its adoption of Ordinance 852, the City will compel Plaintiffs to discontinue use of Plaintiffs' land as STRs, which is the purpose for which Plaintiffs purchased, maintained, and improved Plaintiffs' land.

46. The City's regulation of Plaintiffs' land has gone too far such that it unfairly diminishes the value of Plaintiffs' land, causing Plaintiffs to bear burdens that should be borne by all residents of the City. As such, the City's adoption of Ordinance 852 constitutes a regulatory

taking of Plaintiffs' land in violation of the takings clauses of the Minnesota and United States constitutions.

47. Through adoption of Ordinance 852, the City has taken Plaintiffs' property without just compensation first paid or secured, in violation of Article 1, Section 13 of the Minnesota Constitution and in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

48. The failure of the City to comply with its legal duties constitutes a public wrong specially injurious to Plaintiffs, and as there is no plain, speedy, and adequate remedy in the ordinary course of law, Plaintiffs, having exhausted their administrative remedies (or without any available administrative remedies), is entitled to a writ of mandamus ordering the City to commence condemnation proceedings in accordance with the requirements of Minn. Stat. § 117.01, *et seq.*, to determine the just compensation to which Plaintiffs are entitled for the permanent taking or damaging of their property and property rights.

WHEREFORE, Plaintiffs pray for relief from this Court as follows:

1. Judgment reversing the City's decision to adopt Ordinance 852;
2. Judgment declaring that Ordinance 852 is void and of no effect for the City's failure to comply with requirements for the adoption or amendment of zoning ordinances set forth in the MPA and in the City's own zoning ordinance;
3. Judgment declaring that Plaintiffs may continue use of their respective properties as STRs notwithstanding the adoption of Ordinance 852 by the City so long as Plaintiffs use those properties consistent with the limitations stated in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code;
4. Judgment enjoining the City from enforcing Ordinance 852 against Plaintiffs or otherwise compelling Plaintiffs to cease use of their properties as STRs so long as Plaintiffs use those properties consistent with the limitations stated in Minn. Stat. § 462.357, subd. 1e, and in Chapter 915 of the Wayzata City Code;
5. In the alternative, judgment declaring that the City's adoption of Ordinance 852 is a taking of Plaintiffs' properties without just compensation first paid or secured, in

violation of Article 1, Section 13 of the Minnesota Constitution and in violation of the Fifth and Fourteenth Amendments to the United States Constitution;

6. In the alternative, issuance of writ of mandamus directed to the City compelling the City to initiate condemnation proceedings pursuant to and in accordance with Minnesota Statutes Chapter 117 to determine the just compensation to which Plaintiffs are entitled for the permanent taking, damaging, or destroying of the Property and related property rights;
7. An order awarding Plaintiffs' reasonable costs and disbursements as allowed by law, including, but not limited to, reasonable attorneys' fees pursuant to Minn. Stat. § 117.045; and
8. Such other and further relief as the Court may deem just and equitable.

MALKERSON GUNN MARTIN LLP

Dated: October 17, 2025.

By: /s/ Patrick B. Steinhoff

Patrick B. Steinhoff (#340352)

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Attorneys for Plaintiffs/Petitioners

ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions may be imposed under Minn. Stat. § 549.211.

/s/ Patrick B. Steinhoff

Patrick B. Steinhoff

VERIFICATION

STATE OF CALIFORNIA)
) ss
COUNTY OF San Francisco

Adlon C. Adams, first being duly sworn on oath deposes and states that she is the owner of property located at 257 Central Avenue, Wayzata, Minnesota and she has read the foregoing Verified Petition, and the averments and allegations contained therein are true and correct to the best of her knowledge save and except those which are made on information and belief, and for those she verily believes them to be true.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: October 13th, 2025

DocuSigned by:
ADLON ADAMS
985D1516AD414EC

Adlon C. Adams.

Adlon C. Adams, first being duly sworn on oath deposes and states that she is the Chief Manager of 225 Manitoba Ave LLC, located at 225 Manitoba Avenue, Wayzata, Minnesota and she has read the foregoing Verified Petition, and the averments and allegations contained therein are true and correct to the best of her knowledge save and except those which are made on information and belief, and for those she verily believes them to be true.

225 Manitoba Ave LLC

DocuSigned by:
ADLON ADAMS
965D1316AD414EC...
Adlon C. Adams.
Its Chief Manager

VERIFICATION

STATE OF CALIFORNIA)
) ss
COUNTY OF San Diego)

Olivia A. Adams, first being duly sworn on oath deposes and states that she is the owner of property located at 247 Central Avenue, Wayzata, Minnesota and she has read the foregoing Verified Petition, and the averments and allegations contained therein are true and correct to the best of her knowledge save and except those which are made on information and belief, and for those she verily believes them to be true.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: October 12, 2025

Olivia Adams
Olivia A. Adams

[illegible]

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Ariel Johnson
Its: Chief Manager

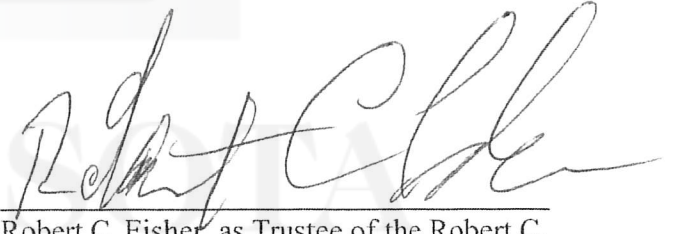
VERIFICATION

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Robert C. Fisher, first being duly sworn on oath deposes and states that he is the owner of property located at 127 Central Avenue, Wayzata, Minnesota and he has read the foregoing Verified Petition, and the averments and allegations contained therein are true and correct to the best of his knowledge save and except those which are made on information and belief, and for those he verily believes them to be true.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: Oct 13, 2025


Robert C. Fisher, as Trustee of the Robert C.
Fisher Trust dated July 8, 2016