

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Mandamus

Jeffrey Lee Holmers, 306 Barry Ave N LLC,
Scott Tripps, 1020 Lake Street E LLC, Anna
Ovsyannikova, and Yevgeniy Ogranovich,

Court File No. _____

Plaintiffs/Petitioners,

SUMMONS

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: November 21, 2025.

By: /s/Patrick B. Steinhoff

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STATE OF MINNESOTA

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Jeffrey Lee Holmers, 306 Barry Ave N LLC,
Scott Tripps, 1020 Lake Street E LLC, Anna
Ovsyannikova, and Yevgeniy Ogranovich,

Court File No. _____

Plaintiffs/Petitioners,

vs.

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

City of Wayzata,
a Minnesota municipal corporation,

Defendant/Respondent.

For their Complaint against Defendant/Respondent, the City of Wayzata (“City”), Plaintiffs/Petitioners Jeffrey Lee Holmers, 306 Barry Ave N LLC, Scott Tripps, 1020 Lake Street E LLC, Anna Ovsyannikova, and Yevgeniy Ogranovich (collectively, “Plaintiffs”), state and allege as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiffs Jeffrey Lee Holmers, Scott Tripps, Anna Ovsyannikova, and Yevgeniy Ogranovich are individual persons who reside in the State of Minnesota.
2. Plaintiff 306 Barry Ave N LLC is a Minnesota limited liability company formed and existing under the laws of the state of Minnesota.
3. Plaintiff 1020 Lake Street E LLC is a Minnesota limited liability company formed and existing under the laws of the state of Minnesota.
4. 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.

5. 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.

6. 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.

7. 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 which occurred in Hennepin County; and because the City of Wayzata is located in Hennepin County.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

8. 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.

9. Plaintiff Jeffrey Lee Holmers owns real property located at 260 Wayzata Boulevard, Wayzata, Minnesota (the "260 Wayzata Boulevard Property"). The 260 Wayzata Boulevard Property is a single-family home. Plaintiff Jeffrey Lee Holmers uses the 260 Wayzata Boulevard Property as an STR. Plaintiff Jeffrey Lee Holmers purchased the 260 Wayzata

Boulevard Property specifically to use the 260 Wayzata Boulevard Property as an STR. Plaintiff Jeffrey Lee Holmers has made substantial improvements to the 260 Wayzata Boulevard 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.

10. Plaintiff 306 Barry Ave N LLC owns real property located 306 Barry Ave N, Wayzata, Minnesota (the "306 Barry Property"). The 306 Barry Property is a single-family home. Plaintiff 306 Barry Ave N LLC uses the 306 Barry Property as an STR. Plaintiff 306 Barry Ave N LLC purchased the 306 Barry Property specifically to use the 306 Barry Property as an STR. Plaintiff 306 Barry Ave N LLC has made substantial improvements to the 306 Barry 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.

11. Plaintiff Scott Tripps owns real property located at 239 Walker Ave N, Wayzata, Minnesota (the "239 Walker Property"). The 239 Walker Property is a single-family home. Plaintiff Scott Tripps uses the 239 Walker Property as an STR. Plaintiff Scott Tripps purchased the 239 Walker Property specifically to use the 239 Walker Property as an STR. Plaintiff Scott Tripps has made substantial improvements to the 239 Walker 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 1020 Lake Street E LLC owns real property located at 1021 Lake Street E, Wayzata, Minnesota (the "1021 Lake Property"). The 1021 Lake Property is a single-family home. Plaintiff 1020 Lake Street E LLC uses the 1021 Lake Property as an STR. Plaintiff 1020 Lake Street E LLC purchased the 1021 Lake Property specifically to use the 1021 Lake Property as an STR. Plaintiff 1020 Lake Street E LLC has made substantial improvements to the 1021

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.

13. Plaintiffs Anna Ovsyannikova and Yevgeniy Ogranovich own real property located at 15610 Holdridge Road E, Wayzata, Minnesota (the "15610 Holdridge Property"). The 15610 Holdridge Property is a single-family home. Plaintiffs Anna Ovsyannikova and Yevgeniy Ogranovich use the 15610 Holdridge Property as an STR. Plaintiffs Anna Ovsyannikova and Yevgeniy Ogranovich purchased the 15610 Holdridge Property specifically to use the 15610 Holdridge Property as an STR. Plaintiffs Anna Ovsyannikova and Yevgeniy Ogranovich have made substantial improvements to the 15610 Holdridge 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. 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.

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

16. 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.

17. 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."

18. 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.”

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

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

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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

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

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

32. 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.

33. 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.

34. 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

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

36. 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.

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

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

39. 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.

40. 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

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

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

43. 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.

44. 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.

45. 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.

46. 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: November 21, 2025.

By: /s/ Patrick B. Steinhoff

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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 MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Patrick B. Steinhoff, having been first duly sworn on oath, deposes and states that he is one of the attorneys for Petitioner, that none of its parties acquainted with the facts and capable of making an affidavit to verify the Petition are within the County where the attorney resides, that he has read the foregoing Petition and the same is true of his own knowledge except as to matters therein stated on information and belief, and as to such matters he believes it to be true. He makes this verification pursuant to the authority of Minnesota Statute § 544.15(3).

Dated: November 21, 2025

/s/Patrick B. Steinhoff
Patrick B. Steinhoff

MINNESOTA
JUDICIAL
BRANCH