

STATE OF WISCONSIN

CIRCUIT COURT

DOUGLAS COUNTY

2700 WINTER, LLC
5392 E. Valley Brook Road
Superior, WI 54880,

Plaintiff,

Case No. 25-CV-

Case Code No. 30106; 30303

JAMES W. PAINE
1008 N. 17th Street
Superior, WI 54880,

JASON SERCK
3728 Kansy Road
Superior, WI 54880,

and

CITY OF SUPERIOR
1316 N. 14th Street,
Superior, WI 54880

Defendant.

AMENDED COMPLAINT

COMES NOW, Plaintiff, 2700 Winter, LLC, by their attorneys, Ledin, Olson & Cockerham, S.C., by Stephen J. Olson, and do hereby allege as follows for its Amended Complaint:

PARTIES

1. Plaintiff 2700 Winter, LLC, is a Wisconsin domestic limited liability company with a principal place of business of 5392 E. Valley Brook Road, Superior, WI 54880, and is not a member of the United States Armed Forces or any of its allies.

2. James W. Paine is an adult resident of the State of Wisconsin with an address of 1008 N. 17th Street, Superior, WI 54880, who was at all times pertinent, the Mayor of Superior, and is not a member of the United States Armed Forces or any of its allies.

3. Jason Serck is an adult resident of the State of Wisconsin with an address of, 3728 E. Kansy Road, Superior, WI 54880, who at all times pertinent was the Planning, Economic Development & Port Director for the City of Superior, and is not a member of the United States Armed Forces or any of its allies.

4. City of Superior is an incorporated municipality located in the State of Wisconsin with a principal place of business of 1316 N. 14th Street, Superior, WI 54880, and is not a member of the United States Armed Forces or any of its allies.

FACTUAL BACKGROUND

5. In 2024, 2700 Winter LLC requested a zoning change for their property located at 2700 Winter Street, Superior, Wisconsin 54880.

6. 2700 Winter, LLC purchased that property for use as a concrete plant and automated truck wash to be used in conjunction with the concrete plant.

7. This property was then, and is still, zoned as Waterfront which prohibits the use of the property as a concrete plant or an automated truck wash to wash cement trucks.

8. The area surrounding 2700 Winter Street, Superior, Wisconsin 54880 is industrial, and the property at 2700 Winter Street does not have any actual waterfront.

9. In June of 2024, 2700 Winter, LLC submitted an application for a zoning change with the City of Superior Planning Commission.

10. The application was to change the Waterfront zoning to M2 which would allow the construction and operation of a concrete plant and automated truck wash to be used in conjunction with the concrete plant.

11. However, since submission of that application, the City of Superior Planning and Zoning Commission has refused to place this application on the agenda or provide 2700 Winter LLC an opportunity to be heard on the application.

12. 2700 Winter LLC has reached out to city officials, including specifically, defendants Serck and Paine, on numerous occasions but has never received a response.

13. As 2700 Winter LLC was being denied the ability to have its request for a zoning change heard, 2700 Winter LLC approached the owner of the property located at 3301 Belknap Street to begin negotiations on a purchase of that real estate.

14. 3301 Belknap Street is zoned M2 which would allow the construction and operation of a concrete plant and automated truck wash to be used in conjunction with the concrete plant.

15. Upon reaching an agreement to purchase 3301 Belknap Street, 2700 Winter LLC contacted City of Superior officials to inform them of the pending purchase.

16. No one from the City of Superior responded to 2700 Winter LLC; however, City officials, including defendants Serck and Paine reached out to the owner of 3301 Belknap Street.

17. On multiple occasions, defendants Paine and Serck, in their capacity as City of Superior officials, persuaded the owner of 3301 Belknap Street not to sell the property to 2700 Winter LLC.

18. These meetings included meetings within the City of Superior offices with the owner of 3301 Belknap Street.

19. On at least one occasion, defendants Serck and/or Paine met over lunch with the owner of 3301 Belknap Street out to lunch to persuade him not to sell that property to 2700 Winter LLC.

FIRST CAUSE OF ACTION - Violation of 42 U.S.C. §1983

20. 2700 Winter LLC applied for a zoning change but has been refused a hearing on the same which is a violation of the procedural due process rights.

21. Defendants Serck and Paine directed the City of Superior Planning and Zoning Commission to intentionally not place 2700 Winter, LLC's application for zoning change on the Commission's agenda.

22. By refusing to act on the application for zoning change at 2700 Winter Street, the City of Superior and defendants Serck and Paine, have deprived 2700 Winter LLC of their property without due process of law in violation of the 14th Amendment to the United States Constitution.

23. Procedural due process requires notice and an opportunity to be heard. See *Black Earth Meat Market v. Village of Black Earth*, 834 F. 3D. 841, 850 (7th Circuit, 2016).

24. Plaintiff has been damaged by the violation of their due process rights.

SECOND CAUSE OF ACTION – Supplemental Jurisdiction
State Court Claim – Tortious Intentional Interference of Contract.

25. In the City of Superior through defendants Serck and Paine, as well as defendants Serck and Paine, individually, interfered with 2700 Winter LLC's ability to enter into a real estate purchase agreement with a thirty party.

26. Neither the City of Superior, nor defendants Serck and Paine had any clear purpose for this interference, and each defendant was aware that this interference with 2700 Winter LLC's agreement to purchase 3301 Belknap Street would cause the sale to be disrupted.

27. Plaintiffs have been damaged by the defendants' intentional interference with their contract to purchase 3301 Belknap Street.

WHEREFORE, plaintiffs demand judgment against defendants jointly and severally for:

- a. Damages to be determined by a jury of 12;
- b. Injunctive relief against defendants;
- c. Punitive damages; and
- d. Any other relief deemed just and equitable.

JURY DEMAND

Plaintiffs demand a trial by a jury of twelve

Dated this 29th day of October, 2025.

LEDIN, OLSON & COCKERHAM, S.C.
Attorneys for the Plaintiff



STEPHEN J. OLSON, #104771
1109 Tower Avenue
Superior, WI 54880
(715) 394-4471
solson@loclaw.net