

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANA CHRISTIAN AND
YELLOWSTONE APARTMENTS,
LLC,

Defendants.

Case No.: CV 24-86-BLG-TJC

COMPLAINT

Plaintiff, the United States of America (“United States”), alleges as follows:

NATURE OF THE ACTION

1. The United States brings this action on behalf of Elena Bychkova (“Bychkova”) to enforce Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601-3631 (“Fair Housing Act”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1345, and 42 U.S.C. § 3612(o).

3. Venue is proper under 28 U.S.C. § 1391(b) because the events or omissions giving rise to the United States’ claims occurred in the District of Montana.

DEFENDANTS AND SUBJECT PROPERTY

4. Defendant Dana Christian (“Christian”) resides in Livingston, Montana.

5. Defendant Yellowstone Apartments, LLC is a domestic Montana limited liability company, with its primary address at 421 South Yellowstone Street in Livingston, Montana.

6. The subject property is Yellowstone Apartments located at 110 North F Street in Livingston, Montana.

7. The subject property consists of eight residential rental units.

8. The subject property is a “[d]welling” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

9. At all times relevant to this action, Yellowstone Apartments, LLC owned the subject property.

10. At all times relevant to this action, Christian was the owner, manager, and registered agent of Yellowstone Apartments, LLC.

11. At all times relevant to this action, Christian personally managed and served as “landlord” of the subject property.

FACTUAL ALLEGATIONS

12. From June 15, 2020 through July 31, 2020, Christian retaliated against and interfered with the tenancy of Yellowstone Apartments tenant Elena Bychkova because she objected to the unwelcome advances he had made to her 24-year-old daughter, Angelina Tkacheva (“Tkacheva”), who was visiting from Russia.

13. On August 26, 2016, Bychkova signed a lease agreement for a unit at the subject property and listed her “daughter” as an occupant. Christian also signed the lease agreement.

14. Tkacheva routinely visited and resided with Bychkova at the subject property during the summers, including the summer of 2020.

15. On June 15, 2020, Christian approached Tkacheva on a porch of the subject property and sat closely beside her. He invited Tkacheva on either a boat or motorcycle ride, said he liked her, called her “cute,” asked if she had a boyfriend, asked if she had any time alone when her mother was not with her, and insisted she take his phone number after she declined his requests for her number. This interaction made Tkacheva feel frightened and uncomfortable and she reported it immediately to Bychkova, who returned to the subject property in the midst of this interaction.

16. Shortly thereafter on June 15, 2020, Bychkova informed Christian via

text message that his conversation with Tkacheva would be “inappropriate” “in Russia” and made Tkacheva feel uncomfortable, and told him not to speak with Tkacheva in that manner anymore or Bychkova would seek legal advice.

17. Bychkova had resided at Yellowstone Apartments without incident from approximately August 26, 2016, through the time of her text to Christian on June 15, 2020. After the text message on June 15, 2020, Christian’s demeanor towards and treatment of Bychkova shifted and became negative. He hyper-fixated on minor alleged infractions, served numerous redundant notices threatening eviction, and barraged Bychkova with increasingly aggressive and threatening communications via text and in person.

18. For example, Christian’s initial response to the June 15, 2020, text was “ok.” However, later that day he became defensive and texted that Tkacheva is a “big girl” and “can say no by herself.”

19. Additionally, later in the evening on June 15, 2020, Christian texted Bychkova it was “inappropriate” for her to “tear up” his lawn by planting flowers at the subject property the month prior. Christian further alleged Bychkova had moved his motorcycle, which was parked in the driveway of the subject property, without his permission. Christian mentioned calling the police and asked if Bychkova was high on drugs. Christian had not mentioned the alleged issue with the flowers or the motorcycle prior to her June 15, 2020, text.

20. The morning of June 16, 2020, Christian texted Bychkova a demand for a formal written apology for “having my motorcycle removed *without my knowledge or consent*” (emphasis added) (referencing an instance when Christian’s motorcycle was moved a couple of feet in the driveway by another tenant so Bychkova could access her vehicle) and for “digging up the grass in my backyard in my apartment complex *without my knowledge or consent*” (emphasis added) (referencing Bychkova’s planting of some flowers along a fence line) or he would serve her “legal notice.” He further texted that Bychkova was a liar, that Tkacheva told him “she was 25 years old, not 24,” and that if Tkacheva was “going to live in my apartment building, we will be talking. However I will not talk to her socially, just business with the building.”

21. Later in the day on June 16, 2020, Christian posted on Bychkova’s door at the subject property a “Notice of Intent to Evict if Failure to Remedy Conditions Continues After 14 Days.” The notice stated it was issued due to “violations of law and breach of conditions” of the lease agreement by “digging up the grass lawn, as you did on about 6/12/2020 at 110 North F. Str without landlord’s consent” and “causing landlord’s vehicle/motorcycle to be moved out of its parking space while locked without landlord consent.” The notice stated if Bychkova failed to comply with the requirements of the notice within 14 days, eviction proceedings would be initiated.

22. On June 27 and June 29, 2020, Christian texted Bychkova that he was revoking her parking privileges at the subject property.

23. Also on June 27, 2020, Christian texted Bychkova that he had knocked on her door on June 26, 2020, and tried to talk to her, but Bychkova was hiding from him and would not answer. Christian also texted he lied to a prospective housing provider by giving her a good reference and informed her it would be a good idea to move before he took more legal action against her. Bychkova responded that Christian should stop harassing her in texts. Christian then accused Bychkova of harassing him and informed her that she and her daughter “may have till July 1 to vacate the premises.”

24. Throughout late June and July 2020, Christian resided in the available unit directly below Bychkova and Tkacheva and frequently knocked loudly on their door early in the morning, including times during which Christian was shirtless. Throughout that time, Christian frequently texted messages insisting that Bychkova communicate with him in person. For example, on or about July 1, 2020, Christian texted Bychkova: “If you want to talk to me you come talk to me face-to-face. Quit texting me. If there’s a problem with the apartment building and I call you on the telephone and you don’t answer me, I’m presuming you are not a cooperative tenant and I will evict you for that.”

25. Additionally, during that same time frame between late June and July

2020, Christian began to exaggerate his description of Bychkova's alleged infractions. The incident with the motorcycle became an allegation that Bychkova had it towed. The incident with the flowers became an allegation that Bychkova dug out and "killed" approximately "50 square feet of grass."

26. Christian also became insistent that both Bychkova and Tkacheva apologize to him. On June 30, 2020, Christian texted Bychkova: "No one sexually harassed anybody. You and the daughter say you're sorry for overreacting, I say I'm sorry for approaching your daughter. [...] If you [t]ell me you will agree to do that, [t]hen I won't have to throw your plants in the trash tomorrow morning." Bychkova responded by informing Christian she had already removed the flowers after she consulted with Montana Fair Housing. Christian responded: "Yes we can all apologize to each other."

27. Later in the evening on June 30, 2020, Christian texted Bychkova that "if I get just one more witness who tells me that you have been spreading that sexual harassment lie about me, if I find out that you are announcing to anyone else I am a sexual predator, I will sue you in District Court for damages to my business reputation, and for punitive damages on top of that for monetary damages for defamation." He further texted that he "got \$100,000 judgment against my first ex-wife for doing the same thing, spreading lies about me" and that he "made it stick and she had to pay me."

28. On or about July 13, 2020, Christian issued three additional eviction notices to Bychkova: a “3 Day Notice to Pay Rent or Quit Tenancy” (“3-Day Notice”); a “Notice of an Intent to Evict for Continuing to Disturb the Quiet Enjoyment of Other Tenants” (“Continuing to Disturb Notice”); and a general “Notice of Intent to Evict Within 30 Days” (“30-Day Notice”). The 3-Day Notice sought repayment of one year’s worth of late rent fees. Christian had never raised any issue with Bychkova’s payment practice during that period until this notice. The Continuing to Disturb Notice contained an allegation that Bychkova disturbed the peaceful enjoyment of the premises by other tenants by causing excessive noise and partying after the subject property’s 10:00 p.m. quiet hours cutoff. Christian had never raised the issue prior to this notice. The 30-Day Notice provided no reasoning.

29. On July 17, 2020, Christian filed a “Complaint for Possession of Rented Property and for Rent Owing and Fees and Costs” in the Park County Montana Justice Court in Park County, Montana.

30. In or about the end of July 2020, Tkacheva returned to Russia approximately a month earlier than planned due to the ongoing retaliation and interference by Christian against her mother, Bychkova.

31. On July 31, 2020, Bychkova ended her tenancy at the subject property to avoid eviction.

HUD ADMINISTRATIVE PROCESS

32. On or about December 9, 2020, Bychkova filed a timely complaint of housing discrimination with HUD, pursuant to 42 U.S.C. § 3610(a).

33. Pursuant to 42 U.S.C. § 3610, the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report.

34. Based on the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1)-(2), determined that reasonable cause existed to believe that Christian and Yellowstone Apartments, LLC violated the Fair Housing Act.

35. Accordingly, on January 4, 2024, the Secretary issued a Charge of Discrimination under 42 U.S.C. § 3610(g)(2)(A).

36. On February 26, 2024, Christian and Yellowstone Apartments, LLC, timely elected to have the charge resolved in a federal civil action under 42 U.S.C. § 3612(a). On February 28, 2024, an Administrative Law Judge dismissed the administrative proceeding pursuant to said election.

37. The Secretary of HUD subsequently authorized the Attorney General to file this action on behalf of Bychkova under 42 U.S.C. § 3612(o).

CLAIM FOR RELIEF

38. The United States realleges and incorporates by reference herein the allegations set forth in paragraphs 1 through 37, above.

39. Through the conduct described above, Defendants have coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of, a right granted or protected by 42 U.S.C. § 3604, in violation of 42 U.S.C. § 3617.

40. Elena Bychkova is an “aggrieved person” within the meaning of 42 U.S.C. § 3602(i) and has suffered damages because of Defendants’ conduct.

41. The Defendants’ conduct was intentional, willful, or taken in reckless disregard of the rights of Elena Bychkova.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that this Court enter an order that:

42. Declares Defendants’ conduct, as described above, violates the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;

43. Enjoins Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them, from coercing, intimidating, interfering with, or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair

Housing Act;

44. Orders Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, Elena Bychkova to the position she would have been in but for the discriminatory conduct;

45. Requires Defendants, their agents, officers, employees, and successors, and all other persons in active concert or participation with them, to take all affirmative steps necessary to remedy the effects of the illegal, retaliatory conduct described herein and to prevent similar occurrences in the future;

46. Awards monetary damages to Elena Bychkova, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

47. Awards such additional relief as the interests of justice may require.

Dated: July 15, 2024

Respectfully submitted,

JESSE A. LASLOVICH
United States Attorney
District of Montana

/s/ Paul D. Vestal
PAUL D. VESTAL
Assistant United States Attorney
District of Montana
James F. Battin U.S. Courthouse
2601 2nd Avenue North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
Email: paul.vestal@usdoj.gov

/s/ Shannon L. Clarke
SHANNON L. CLARKE
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
101 E. Front, Suite 401
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
Email: shannon.clarke@usdoj.gov

Attorneys for Plaintiff
United States of America