

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

<p><b>UNITED STATES OF AMERICA</b> Plaintiff,</p> <p style="text-align:center">and</p> <p><b>FRANCESCA CHEROUTES,</b> Intervening Plaintiff</p> <p style="text-align:center">v.</p> <p><b>ROCKET MORTGAGE, LLC, SOLIDIFI U.S., INC., MAKSYM MYKHAILYNA, and MAVERICK APPRAISAL GROUP, INC.,</b> Defendants.</p>	<p><b>Civil Action No. 1:24-cv-02915-GPG-TPO</b></p>
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**ANSWER  
BY DEFENDANTS MAKSYM MYKHAILYNA AND  
MAVERICK APPRAISAL GROUP, INC.**

Defendants Maxym Mykhailyna and Maverick Appraisal Group, Inc. (collectively, the “Maverick Defendants”), by and through their attorneys Temkin & Associates, LLC, hereby file an Answer to Intervening Plaintiff Francesca Cheroutes ( “Cheroutes” or “Intervenor Plaintiff”)’s Intervenor’s Complaint.

**AS TO INTRODUCTION**

1. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required. To the extent factual allegations are asserted, the Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

2. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

**AS TO JURISDICTION AND VENUE**

3. The Maverick Defendants admit that the jurisdiction is proper in this case. The remaining allegations constitute legal conclusions and/or characterizations of law, and as such no response is required.

4. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

5. The Maverick Defendants admit that the venue is proper in this case. The remaining allegations constitute legal conclusions and/or characterizations of law, and as such no response is required.

**AS TO PARTIES AND SUBJECT PROPERTY**

6. The Maverick Defendants admit that the United States filed and stated certain facts in its Complaint. As to all the allegations set forth in the United States Complaint, the Maverick Defendants incorporate their Answer to the United States Complaint hereto.

7. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

**AS TO ALLEGATIONS REGARDING DEFENDANTS' DISCRIMINATION AGAINST  
MS. CHEROUTES**

8. The Maverick Defendants admit that the United States filed and alleged certain facts in its Complaint. As to all the allegations set forth in the United States

Complaint, the Maverick Defendants incorporate their Answer to the United States Complaint hereto.

9. The Maverick Defendants admit that Solidifi had contracted the Maverick Defendants to perform appraisals on a number of occasions. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

10. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

11. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

12. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

13. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

14. The Maverick Defendants deny the allegations in this paragraph. The Maverick Defendants specifically deny any inference and allegation of wrongdoing. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

15. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

16. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

17. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

18. The Maverick Defendants specifically deny any inference and allegation of wrongdoing. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph regarding Defendant Rocket's purported conduct. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

19. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

**AS TO ALLEGATIONS REGARDING THE PARTICULAR INJURIES SUFFERED BY MS. CHEROUTES AND THE NEED FOR PUNITIVE/EXAMPLARY DAMAGES**

20. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

21. The Maverick Defendants admit that Mr. Mykhaylina is White. The Maverick Defendants deny that Mr. Mykhailyna came to perform the Appraisal unannounced and further deny any inference and allegation of wrongdoing. The Maverick Defendants lack

knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

22. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

23. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

24. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

25. The Maverick Defendants specifically deny any inference and allegation of wrongdoing by them. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph regarding Defendant Rocket's purported conduct. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

26. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

27. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

28. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded. The remaining allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

29. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

**AS TO CAUSE OF ACTION:**

**AS TO FIRST CLAIM FOR RELIEF - VIOLATIONS OF THE FAIR HOUSING ACT**

30. The Maverick Defendants hereby incorporate by reference their answers to the paragraphs above and to the United States' Complaint as though more fully set forth at length herein.

31. The Maverick Defendants hereby incorporate by reference their answers to the paragraphs above as though more fully set forth at length herein.

32. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

33. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

34. The Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

35. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

36. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

37. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required. However, to the extent the averment of this paragraph is factual, the Maverick Defendants deny such averment and strict proof thereof, if relevant, is demanded.

38. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

39. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

40. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required. However, to the extent the averment of this paragraph is factual, the Maverick Defendants deny such averment and strict proof thereof, if relevant, is demanded.

**AS TO SECOND CLAIM FOR RELIEF – DISCRIMINATION IN CONTRACTING**

41. The Maverick Defendants hereby incorporate by reference their answers to the paragraphs above and to the United States' Complaint as though more fully set forth at length herein.

42. The Maverick Defendants hereby incorporate by reference their answers to the paragraphs above as though more fully set forth at length herein.

43. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

44. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required. However, to the extent the averment of this paragraph is factual, the Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

45. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required. However, to the extent the averment of this paragraph is factual, the Maverick Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph. These allegations are, therefore, denied, and strict proof thereof, if relevant, is demanded.

46. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

47. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

48. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

49. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

50. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

51. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

52. Denied. The allegations set forth in this paragraph constitute legal conclusions and/or characterizations of law, and as such no response is required.

WHEREFORE, the Maverick Defendants reserve their right to amend this Answer to the Intervenor's Complaint as new information becomes available during the course of discovery. Any allegation not specifically admitted herein is hereby denied. The Maverick Defendants deny every allegation of wrongdoing, negligence, and liability and respectfully request that judgment be entered in their favor and against Intervenor Plaintiff, that Intervenor Plaintiff's Complaint as against the Maverick Defendants be dismissed with prejudice and that the Maverick Defendants be awarded such other relief which this Court deems appropriate.

### **AFFIRMATIVE DEFENSES**

1. The Maverick Defendants hereby incorporate by reference their answers to the paragraphs above as though more fully set forth at length herein.

2. Intervenor Plaintiff's claims are barred by the doctrine of assumption of risk.

3. Intervenor Plaintiff's claims are barred by the doctrine of estoppel.

4. Intervenor Plaintiff's claims are barred by failure to mitigate damages.

5. Intervenor Plaintiff's claims are barred by the doctrine of waiver.

6. Intervenor Plaintiff's claims are barred by failure to exhaust administrative and/or statutory remedies.

7. Intervenor Plaintiff's claims are barred because the alleged damages were caused by an intervening and/or superseding cause.

8. Intervenor Plaintiff's alleged damages were caused by the acts and/or omissions of persons or entities over whom the Maverick Defendants had no control and for whom the Maverick Defendants have no liability.

9. Intervenor Plaintiff's alleged damages were not proximately caused by any act or omission on the part of the Maverick Defendants.

10. Intervenor Plaintiffs' Complaint fails to state a claim against the Maverick Defendants upon which relief may be granted.

11. Intervenor Plaintiff's claims are barred by Plaintiff's fraud.

12. Intervenor Plaintiffs' claims are barred by the doctrine of unclean hands.

13. The Maverick Defendants also reserve the right to amend and/or supplement the within Affirmative Defenses at any time prior to trial.

WHEREFORE, the Maverick Defendants respectfully request that judgment be entered in their favor and against Intervenor Plaintiff, that Intervenor Plaintiff's Complaint as against the Maverick Defendants be dismissed with prejudice and that the Maverick Defendants be awarded such other relief which this Court deems appropriate.

Respectfully submitted,

Dated: March 25, 2025

TEMKIN & ASSOCIATES, LLC

/s/Maria Temkin

Maria Temkin, Esq.

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*Attorneys for Defendants Maxym Mykhailyna  
and Maverick Appraisal Group, Inc.*

### CERTIFICATE OF SERVICE

I certify that on this 25<sup>th</sup> day of March 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of filing on all counsel of record.

Dated: March 25, 2025

/s/Maria Temkin  
Maria Temkin, Esq.  
TEMKIN & ASSOCIATES, LLC  
[maria@temkinlegal.com](mailto:maria@temkinlegal.com)  
*Attorneys for Defendants Maxym  
Mykhailyna and Maverick Appraisal  
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