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1 CRISTINA BALAN (Pro Se)
4698 Arbors Circle
2 Mukilteo, WA-98275
425-205-0200
3 cbalan.j2019@gmail.com

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AT SEATTLE
CLERK U.S. DISTRICT COURT
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 CASE NO. **19 CV 00067**

9 CRISTINA BALAN ,
10 Plaintiff(s),

11 v.

12 TESLA MOTORS INC,
13 Defendant(s).

**COMPLAINT FOR
DEFAMATION
AND REQUEST FOR
INJUNCTION**

DEMAND FOR JURY TRIAL

Jury Trial: Yes No

14
15 Complaint filed: January 15, 2019

WJP

1 Plaintiff, Cristina Balan, files this Complaint for Defamation against
2 Defendant Tesla Motors Inc., as presented here.

3 I. INTRODUCTION

4 1. Plaintiff, Cristina Balan, is a well-respected, business person,
5 specializing in design and engineering, based in Mukiteo, WA. Tesla is a
6 corporation based in Palo Alto California, known worldwide for two general
7 product types, Electrical Vehicles and clean energy products.

8 2. Mrs. Balan is most recognized for her critical work on Tesla's
9 vehicles, as memorialized by her engraved name on Tesla vehicle battery modules,
10 where her work was heavily focused for during her work at Tesla from 2010 to
11 2014. In fact, Tesla stated recently is still uses methodologies Ms. Balan created to
12 date. Ms Balan invested many years in her education, professional experience,
13 relationships, and reputation. Tesla willfully, and repeatedly, took steps to publicly
14 defame Ms. Balan, and specifically, devalue these lifetime investments.

15 3. On September 8th, 2017, the Huffington Post published an article
16 about Mrs. Balan's career, also referencing her relationship with Defendant. This
17 article appeared to describe Mrs. Balan and her circumstance in a positive light.
18 She holds that the original statements were true,

19 4. On September 11th, 2017, Defendant published multiple false and
20 defamatory statements on the Huffington Post, settling the score with the Plaintiff,
21 after the article questioned to Tesla's CEO commitments and rules. Defendant

1 stated clearly, in a forum intended for worldwide and instant distribution, that Ms.
2 Balan's acts were 'clearly criminal'.

3 5. Some of the acts Balan was accused of included theft of company
4 money and resources, for a project that value more than \$10,000. Mrs. Balan was
5 accused of using the company's resources, without management approval.

6 Defendant then claimed this was an attempt to complete a personal project Balan
7 developed on her own.

8 6. Ms. Balan maintained an adversarial legal relationship with Tesla for
9 the past 4 years, beginning in an arbitration over a former employment relationship
10 that ended in 2014. While engaged in this adversarial legal relationship, the
11 Defendant published multiple false and defamatory statements about Mrs. Balan,
12 in an unlawful and malicious fashion.

13 7. Plaintiff and Arbitrator Warner are in this case, and have been of the
14 same mind, that Ms. Balan's behaviors were not clearly criminal, and that none of
15 these felonious activities ever took place, including the trip to New York.

16 8. Defendant was unable to produce any records or credit card charges,
17 plane tickets, meals, cars, of the claims they made, and that Tesla had accused her
18 of travelling to New York in Nov 2013, a place that to this day, Mrs. Balan has
19 never been. Regardless, Defendant did not take any action to resolve the matter.

20 9. Balan has attempted diligently to convince Defendant to remove the
21 false and defamatory statements from the internet. Plaintiff's former attorney

1 requested the removal during the arbitration. Tesla refused. In September 20th,
2 2018, Plaintiff communicated a demand to remove the false statements. Tesla
3 contacted Balan on October 2018, claiming to confer in good faith. These
4 conversations did not lead to resolution, and the false claims remained.

5 10. It was not until a friend of Ms. Balan's sent a letter directly to
6 Huffington Post, that Huffington Post's counsel, got involved. This comment from
7 Tesla, accusing Balan of clearly felonious behavior, remained on the internet until
8 approximately December 20th, 2018, approximately 15 months. To date, Tesla has
9 taken no action to mitigate the damages caused by these acts. Huffington Post
10 showed a sign of good faith, by removing the note almost immediately after
11 receiving notice of Arbitrator Warner's conclusions, but they also removed the
12 entire article without any redaction.

13 11. Plaintiff brings this action to enjoin Defendant, Tesla, from further
14 damaging Ms. Balan. Tesla acted in malice, abusing both their public influence,
15 and the relationship with Balan as a litigant. Tesla should be enjoined from
16 communicating false and defamatory statements about Ms. Balan.

17 Tesla has exhibited a willingness to destroy and or conceal evidence as
18 referenced herein through exhibits illustrating behavior during arbitration. Tesla
19 should be enjoined from destroying any evidence relevant to Ms. Balan's claims
20 and enjoined from failing to preserve the same.

21

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