

1 JOHN THOMAS CHRISTIANA
2 P.O. Box 5
3 Daggett, CA 92327
4 714-585-6661
5 John060661@aol.com
6 By: John Thomas Christiana, Pro Se

7 SC-100 Item 3

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10 JOHN THOMAS CHRISTIANA,
11 Plaintiff,

12 vs.

13 WALMART INC., EMPLOYEE TUI,
14 STORE MANAGER JOSE, AND DOES 1
15 THROUGH 10 INCLUSIVE,
16 Defendants.

17) CASE NO. _____

18) COMPLAINT FOR DAMAGES:

- 19) 1. DOMESTIC TERRORISM;
- 20) 2. CIVIL HARASSMENT, STALKING;
- 21) 3. CIVIL BATTERY;
- 22) 4. ACCESSORY-AFTER-THE-FACT,
- 23) SEXUAL BATTERY.

24 Plaintiff John Thomas Christiana ("Christiana") based on his own experiences and
25 investigation, upon information and belief, alleges against Defendants' Walmart Inc., Employee
26 Tui, Store Manager Jose, and Does 1 through 10 inclusive (collectively "Defendants") as
27 follows:

28 I.
INTRODUCTION

1. Christiana brings this action as a result of Defendants' intolerable behavior involving
themselves in a domestic terrorism program. Although the United States Congress and law
enforcement appear to support this domestic terrorism, it is still criminal conduct and actionable
tortious behavior. The Walmart Board of Directors and Management must do a better job in
training their employees that terrorism, stalking, aggravated battery, and harassment must never
be tolerated or accepted, especially while they are employed representing Walmart Inc.

2. There is a small segment of the population that participates in this abuse and bully

1 program that is more appropriately defined as domestic terrorism, satisfying the elements of
2 United States Code § 2331 (5). Same as a bank robbery in that when not all defendants murder a
3 victim, all can nonetheless be liable, if they participate in the overall crime. In the present case,
4 the crime is domestic terrorism and all defendants that have participated even in a small way, can
5 be held liable for domestic terrorism. These low-level and mid-level thugs must be held liable for
6 their participation in this domestic terrorism program. What kind of an example are they setting
7 to children, that bullying and abuse is somehow acceptable? This terrorism program is a threat to
8 freedom itself.

9 **II.**

10 **THE PARTIES**

11 3. Plaintiff John Thomas Christiana is, and at relevant times, a resident of the County of San
12 Bernardino, State of California. Upon information and belief, Defendant Walmart Inc. is, and at
13 relevant times, a registered corporation in the State of California, doing business in San
14 Bernardino County, State of California. Upon information and belief, Defendant Employee Tai
15 is, and at relevant times, employed by Walmart Inc. Upon information and belief, Defendant
16 Store Manager Jose is, and at relevant times, employed by Walmart Inc. The true names and
17 capacities of defendants sued in this Complaint as Does 1 through 10, inclusive, are unknown
18 and therefore sues these defendants by fictitious names.

19 4. Plaintiff is informed and believes, and on that basis alleges, that each defendant was in
20 some manner responsible for the acts and damages alleged herein, and/or are indebted to
21 Christiana as alleged herein, and that each defendant participated in the acts alleged herein.

22 **III.**

23 **JURISDICTION AND VENUE**

24 5. This Court has jurisdiction over all causes of action and claims for relief asserted herein
25 because all causes of action and claims for relief asserted herein arise out of the conduct
26 undertook by Defendants in San Bernardino County, State of California. Each Defendant has
27 sufficient minimum contacts with the State of California, is employed in the State of California,
28 or otherwise intentionally availed itself of the State of California so as to render the exercise of
jurisdiction over it by the State of California courts consistent with traditional notions of fair play
and substantial justice.

6. Venue is proper in this Court under Code of Civil Procedure §§ 395 and 395.5

1 because the injury to Plaintiff occurred in Barstow, San Bernardino County, State of California,
2 and the liabilities to which defendants are subject arise in Barstow, San Bernardino County, State
3 of California.

4 IV.

5 STATEMENT OF FACTS

6 7. It is being alleged that the defendants were aware of this domestic terrorism program
7 before the incident. It is irrelevant what they call it, even if they thought it was simple assault and
8 battery or harassment.

9 8. It should be noted that this domestic terrorism program involves serious felony crimes
10 including aggravated battery, vision loss, sex abuse, invasion of privacy, and psychological
11 abuse. But in addition the program also involves smaller misdemeanor crimes. Part of the
12 program involves actions that are intended to annoy or aggravate, but again, these actions are
13 still part of the domestic terrorism program, a criminal conspiracy, which is a threat to freedom
14 itself. The domestic terrorism program is more effective with these low-level perpetrators, and
15 they must be held to account.

16 9. On June 25, 2020 at about 5:45 pm, Plaintiff John Christiana used the self-checkout at the
17 Walmart Supercenter in Barstow, California. Christiana had already rung up 20 items when he
18 purchased 8 corn-on-the-cobs which were on sale for 25 cents each. But they rang up at the
19 regular price of .30 so the total came to \$2.40 instead of \$2.00. Mr. Christiana requested
20 assistance from the Walmart employee, Tui, overseeing the self-checkout to void that line and
21 enter the correct amount. Mr. Christiana explained what happened. Instead of voiding that line
22 and entering the correct price, Tui rang up 8 more corn-on-the-cob and left. The result was two
23 amounts debited at \$2.40 on the screen to be billed. Mr. Christiana flagged down Tui again to
24 correct. Tui came extremely close to Mr. Christian and due to Covid-19, Mr. Christiana asked
25 her to keep a respectable distance. Tui ignored that request and again approached Mr. Christiana
26 very close. In the second act, now instead of voiding the two overcharged lines of \$2.40 each,
27 Tui voided the entire purchase of the previous 20 items, which was not necessary to void the
28 incorrect items. Now Mr. Christiana had to rescan the entire purchase. Tui was rude and careless
at this point and just left the self-checkout. Mr. Christiana looked for a manager to report and
correct the situation.

10. While the floor manager, Shamonique, helped to correct the situation at the self-checkout.

1 register, Mr. Christiana informed the floor manager that Tui was incompetent and was rude. Tui
2 was walking past and laughed at Mr. Christiana. Mr. Christiana asked the floor manager,
3 Shamonique, if she heard that and Shamonique said yes. Floor Manager Shamonique was
4 pleasant and rang up the corn-on-the-cob and it rang up as \$2.40 and she was able to delete that
5 one item and re-ring it up as the proper price of \$2.00. This is shown on the receipt.

6 11. At 6:12 pm, Mr. Christiana called the 1-800-Walmart number and spoke to a professional
7 gentleman that said Walmart will be able to make up for it with a gift certificate and Mr.
8 Christiana will get a phone call in one to three days. Mr. Christiana did not get a call from the
9 store manager within one to three days. So on the fourth business day, July 1, 2020, Mr.
10 Christiana called 1-800-Walmart again. The Walmart employee on the phone, Brennan, said he
11 will write up a new customer feedback ticket.

12 12. On July 3, 2020 at 5:53 pm, Plaintiff got a call from Jose, a manager at the Walmart
13 store. He was basically neutral and was not going to make up for the incident with a gift
14 certificate and was ready to hang up pretty quickly. Mr. Christiana told Jose that he was advised
15 that a gift certificate was likely. Jose then said that he can do that and to come into the store. Jose
16 asked when Mr. Christiana could come in. Mr. Christiana said he could come in that evening
17 which with an 8:30 pm closing, would be about two hours. Jose said he would like Mr.
18 Christiana to meet "Maesa" for the gift certificate when Mr. Christiana comes in (in about two
19 hours). At about 8:10 pm, Mr. Christiana drove to Walmart and was informed by Assistant
20 Manager Myasia that Maesa was not working today. *So why did Jose, the Walmart manager tell*
21 *Mr. Christiana to meet Myasia that evening?*

22 13. Assistant Manager Myasia called on the phone to Store Manager Jose (who informed
23 Plaintiff to come in the store for the gift certificate) if there was supposed to be a gift certificate
24 for Mr. Christiana. Walmart Manager Jose misinformed Asst. Manager Myasia telling her that he
25 has never heard of John Christiana and that there is no gift certificate. Mr. Christiana was in
26 disbelief. Christiana had just spoken to Jose two hours ago. Christiana then showed Myasia his
27 cellphone proving that he had just received a call from the Walmart store about two hours ago.
28 Mr. Christiana was taking notes and getting names.

29 14. Then as Mr. Christiana was still in store with Myasia, Walmart Store Manager Jose
30 strolls up and says something to the effect "oh now I remember" (even though Jose and Mr.
31 Christiana had never met in person so the appearance would not help). This whole staged stint.

1 was planned to harass and terrorize Plaintiff Christiana. Walmart Store manager Jose did not
 2 even say a word or apologize to Christiana. He was rude. Jose said to Myasia that he gets busy
 3 up there, give him 20, and walked off.

4 15. Plaintiff Christiana again contacted Walmart corporate and informed them this is part of
 5 domestic terrorism. Christiana informed Walmart corporate that it is being alleged that Walmart
 6 Store Manager Jose is involved in domestic terrorism to harass and terrorize targeted Walmart
 7 customers.

8 16. Plaintiff Christiana asked for an immediate phone call from a high level corporate person
 9 to address this and conduct a criminal investigation of Walmart Store Manager Jose with the
 10 result of him being fired if the investigation finds these allegations true, which they are.

11 17. Plaintiff Christiana never got that phone call or any resolution.

12 18. Before continuing on with the next incident and allegation by another Walmart employee,
 13 Plaintiff would like to submit that Plaintiff is of sound mind. To support these allegations,
 14 Plaintiff will submit before trial a Positron Emission Tomography ("PET") medical scan and
 15 report, taken by a California licensed medical doctor, which proves Plaintiff is of sound mind
 16 and normal brain. This procedure to test for mental illness is approved by the United States'
 17 National Institute of Health ("NIH"). Plaintiff had this medical procedure performed by a
 18 California licensed medical doctor and the conclusion and results were normal brain.

19 19. In another incident by another Walmart employee on another day, Plaintiff Christiana
 20 was shopping at Walmart in Barstow and the nerve just below his eye was remotely shocked
 21 (battery). Seconds later a Walmart employee shouted a buzz word (see, vision, look, etc.) that is
 22 used to add psychological abuse to the physical abuse. This is to let Plaintiff know that they are
 23 involved in the domestic terrorism program and are adding insult to injury on Plaintiff being a
 24 victim of these abuses and assault and battery. This is unacceptable. They are playing their part
 25 in this terrorism program that is literally ending freedom.

26 V.

27 **FIRST CAUSE OF ACTION**

28 **(Domestic Terrorism - U.S Code § 2331)**

29 20. Plaintiff hereby realleges and incorporates by this reference, as though set forth in full,
 30 the allegations in paragraphs 1 through 17, inclusive.

31 21. Plaintiff is informed and believes, and thereupon alleges that, in doing the things alleged

1 herein and in this cause of action, Defendants committed Domestic Terrorism by participating in
2 the program with their targeted and repeated attacks, harassment, and stalking, in their part of the
3 domestic terrorism program.

4 22. This program meets U.S. Code §2331 (5) as it involves: (a) acts dangerous to human life
5 that are a violation of the criminal laws of California including, among other crimes, shocking
6 Plaintiff's eyes while changing lanes on the freeway; (b) appears to be intended to intimidate or
7 coerce a civilian population, as the program intimidates citizens not to be able to use free speech
8 to advise Plaintiff of the illegal terrorist program; and (c) this actions occur primarily within the
9 territorial jurisdiction of the United States. The abuse program directed at Plaintiff meets the
10 elements of United States Code §2331(5), Domestic Terrorism.

11 VI.

12 SECOND CAUSE OF ACTION

13 (Civil Harassment - Stalking)

14 23. Plaintiff hereby realleges and incorporates by this reference, as though set forth in full,
15 the allegations in paragraphs 1 through 22, inclusive.

16 24. Plaintiff is informed and believes, and thereupon alleges that, in doing the things alleged
17 herein and in this cause of action, Defendants committed Stalking under California Civil Code
18 §1708.7 engaging in a pattern of conduct to alarm, place under surveillance, monitor, interfere,
19 harass, annoy, alarm, torment, and terrorize Plaintiff, indirectly using an electronic device,
20 namely their cell phones, for the stalking.

21 25. Plaintiff suffered substantial emotional distress (as opposed to *severe* emotional distress)
22 as Plaintiff was just trying to shop for groceries without having his eyes shocked and a store
23 employee adding psychological abuse letting Plaintiff know that he is not safe even in a Walmart
24 store. This pattern of conduct would cause a reasonable person to suffer substantial emotional
25 distress and is a reckless disregard for Plaintiff's safety.

26 26. Damages for persons that commit the tort of stalking upon another is liable to that person
27 for damages, including, but not limited to, general damages, special damages, and punitive
28 damages pursuant to Section 3294, and in addition the court may grant equitable relief,
including, but not limited to, an injunction.

29 27. Plaintiff has suffered non-pecuniary damages as a result of the abuses. There is an actual

1 dispute between Plaintiff and Defendants and there is a duty owed to Plaintiff. The issue is ripe
2 as it is current and ongoing. As a direct and proximate result of said wrongful conduct by
3 Defendants, Plaintiff has suffered damages. Plaintiff is informed and believes, and thereupon
4 alleges, that in performing the acts and performance herein alleged, Defendants, and each of
5 them, acted in a conscious disregard of the rights of Plaintiff.

6 **VII.**

7 **THIRD CAUSE OF ACTION**

8 **(Civil Battery)**

9 28. Plaintiff hereby realleges and incorporates by this reference, as though set forth in full,
10 the allegations in paragraphs 1 through 27, inclusive.

11 29. Plaintiff is informed and believes, and thereupon alleges that, in doing the things alleged
12 herein and in this cause of action, Defendants committed Battery, namely California Civil Code
13 §1300 with further explanation of civil battery under California Penal Codes §§ 244.5 and
14 16780.

15 30. Defendants caused Plaintiff to be touched with the intent to harm or offend Plaintiff.
16 Plaintiff did not consent to the touching, Plaintiff was harmed and more than offended by
17 Defendants' conduct, and a reasonable person in Plaintiff's situation would have been offended
18 by the touching. In other words, the way this works is there is a conspiracy ahead of time and
19 there is remote touching (less lethal weapon) that shocks the nerve below Plaintiff's eye and then
20 the co-conspirator (Defendants in this case) says one of the buzz words (vision, see, look,
21 energy, charge, etc.) to complete the stalking, battery, psychological abuse, all in one. It is one
22 part of the domestic terrorism program.

23 31. California Penal Code §244.5 further describes battery when a person commits an assault
24 upon the person of another with a stun gun or less lethal weapon, as defined in Section 16780.
25 This type of battery can be charged as a felony.

26 32. California Penal Code 16780 describes "less lethal device" as a device that is designed to
27 or that has been converted to expel or propel less lethal ammunition by any action, mechanism,
28 or process for the purpose of incapacitating, immobilizing, or stunning a human being through
the infliction of any less than lethal impairment of physical condition, function, or senses,
including physical pain or discomfort. It is not necessary that a weapon leave any lasting or
permanent incapacitation, discomfort, pain, or other injury or disability in order to qualify as a

1 less lethal weapon. The California Appellate Courts have defined "immobilizing" as the smallest
2 fraction of a second which meets the facts of the present case, as it stuns Plaintiff.

3 33. Further, although almost the entire population does not know, but as this court knows, if a
4 person encouraged a battery, that person that encouraged the battery is liable, despite not actually
5 doing the battery.

6 34. Plaintiff has suffered non-pecuniary damages as a result of the abuses. There is an actual
7 dispute between Plaintiff and Defendants and there is a duty owed to Plaintiff. The issue is ripe
8 as it is current and ongoing. As a direct and proximate result of said wrongful conduct by
9 Defendants, Plaintiff has suffered damages. Plaintiff is informed and believes, and thereupon
10 alleges, that in performing the acts and performance herein alleged, Defendants, and each of
11 them, acted in a conscious disregard of the rights of Plaintiff.

11 VIII.

12 FOURTH CAUSE OF ACTION

13 (Accessory After the Fact – Sexual Battery)

14 35. Plaintiff hereby realleges and incorporates by this reference, as though set forth in full,
15 the allegations in paragraphs 1 through 34, inclusive.

16 36. Plaintiff is informed and believes, and thereupon alleges that, in doing the things alleged
17 herein and in this cause of action, Defendants committed Sexual Battery violating California
18 Civil Code §1708.5.

19 37. Civil sexual battery is an act with the intent to cause a harmful or offensive contact with
20 an intimate part of another, and a sexually offensive contact with that person directly or
21 indirectly results. "Offensive contact" means contact that offends a reasonable sense of personal
22 dignity and "intimate part" means the sexual organ, anus, groin, or buttocks of any person. In the
23 present case, this includes the penis, testicles, and anus.

24 38. For the same reasons as alleged in the Third Cause of Action, this is done through "less
25 lethal weapons" but to the private areas. A person who commits a sexual battery upon another is
26 liable to that person for damages, including, but not limited to, general damages, special
27 damages, and punitive damages as well as equitable relief, including, but not limited to, an
28 injunction, costs, and any other relief the court deems proper.

39. Due to Accessory-After-The-Fact being defined as every person who, after a felony has
been committed, conceals or aids a principal in such felony, with the intent that said principal

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may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony, or has been charged with such felony or convicted thereof, is an accessory to such felony, defendants are liable for sexual battery as well. Defendants have said knowledge and rather than report these felonies, Defendants are conspiring to commit stalking, commit abuse, commit harassment, commit battery, and otherwise participating in this domestic terrorism program.

40. Plaintiff has suffered non-pecuniary damages as a result of the abuses. There is an actual dispute between Plaintiff and Defendants and there is a duty owed to Plaintiff. The issue is ripe as it is current and ongoing. As a direct and proximate result of said wrongful conduct by Defendants, Plaintiff has suffered damages. Plaintiff is informed and believes, and thereupon alleges, that in performing the acts and performance herein alleged, Defendants, and each of them, acted in a conscious disregard of the rights of Plaintiff.

DATED: June 25, 2021


John Thomas Christiana
Plaintiff

SC-100

Plaintiff's Claim and ORDER to Go to Small Claims Court

Notice to the person being sued:

- You are the defendant if your name is listed in (2) on page 2 of this form. The person suing you is the plaintiff, listed in (1) on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

Clerk stamps date here when form is filed.

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 BARTSTOW DISTRICT

JUN 27 2021

BY Sarah Mishoe
 SARAH MISHOE, DEPUTY

Fill in court name and street address:

Superior Court of California, County of San Bernardino
 Barstow District
 235 East Mountain View Street
 Barstow CA 92311

Court fills in case number when form is filed.

Case Number:
SCBA 2100477

Case Name:
 Christiana v. Walmart

Paid 50.00 Filing Fee

The people in (1) and (2) must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	10-8-21	8:30 AM	BI	
2.				
3.				

Date: JUN 27 2021 Clerk, by Sarah Mishoe, Deputy **SARAH MISHOE**

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/smallclaims/forms.
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

