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Attorneys for Defendants,

MARTHA THOMPSON, JENNA

BULIS, CHELSEA PAPCIAK, and

BREAKINGCODESILENCE, INC.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BREAKING CODE SILENCE, a
California Public Benefit
Corporation,

Plaintiff,

vs.

CHELSEA PAPCIAK aka FILER, an
individual, JENNIFER WALKER, an
individual, JENNA BULIS, an
individual, MARTHA THOMPSON,
an individual, and
BREAKINGCODESILENCE, INC.,
a Florida corporation

Defendants.

Case No.: 21-cv-0918-BAS (DEB)

**DECLARATION OF JOSH
SCARPUZZI IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS PURSUANT TO FRCP
12(b)(6) AND MOTION TO STRIKE
PURSUANT TO FRCP 12(f)**

Date: September 13, 2021

Dept.: 4B

Judge: Hon. Cynthia A. Bashant

///

CONTRERAS LAW
402 W. BROADWAY, STE. 1200
SAN DIEGO, CALIFORNIA 92101
(619) 238-0616

1 I, JOSH SCARPUZZI, hereby declares the following:

2 1. I have personal knowledge of the matters I have declared herein, and If
3 called to testify I would do so in the same manner.

4 2. I am a survivor of abuse by teen programs and boarding schools, and as
5 a survivor I have a long history of involvement with the survivor community. I do
6 writing, blogging, social media posting, and speaking engagements having to do with
7 the survivor community, but I did it all as TTI, and never as BREAKING CODE
8 SILENCE, prior to December 22, 2018.

9 3. The material attached herein is a true and correct copy of a post that I
10 personally drafted and uploaded to Facebook on July 8, 2021, and the statements
11 made in that post are true, correct, and accurate.

12 I declare this is true and correct under penalty of perjury under the laws of the
13 State of California.

14 **CONTRERAS LAW FIRM**

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16 Date: July 27, 2021

17 By: Josh Scarpuzzi (Jul 27, 2021 21:06 EDT)

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Josh Scarpuzzi, Declarant

EXHIBIT A



Jenna



TTI Advocates

+ Invite



Josh Scarpuzzi



Statement of Fact
July 08, 2021

Hello BCS Community, Lawyers, and Leadership,

In 2007-2008 while at Spring Creek I wrote a collection of poetry that was titled "The thoughts of a caged bird." This collection was never intended to be a part of my book and was written independently.

On October 12th, 2010 I spoke at a Mathew Sheapherd Memorial event in San Diego California. At this event I spoke about my struggle with suicide, and my time at Spring Creek. At this point in time I had began writing my book with no title, it was meant to be a journal at first.

From 2010-2018 I had worked at a number of small events that talked about troubled teen issues and suicide awareness but always acted on behalf of myself and was not promoting, engaging, or in any way mentioning the BCS mark. I continued working on my book independently.

Around 2017 I settled on the title Breaking Code Silence for my book and began emailing editors and publishers. Book titles are not able to be trademarked and as such I never trademarked my book, only a general copyright that applies to any intellectual written property.

When I was first approached by Vanessa Hughes with the new BCS organization, I was told by them that they believed I had the exclusive rights to the BCS mark and they wanted to secure that from me. They implied that what their trademark lawyer told them was that any work I did around the TTI(speaking about suicide, my poetry, my book) was entirely connected and legally constituted first use rights under trademark law. I have now learned that this is false. I had questioned

and what they post.



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EXHIBIT A



TTI Advocates

+ Invite



organization, I was told by them that they believed I had the exclusive rights to the BCS mark and they wanted to secure that from me. They implied that what their trademark lawyer told them was that any work I did around the TTI(speaking about suicide, my poetry, my book) was entirely connected and legally constituted first use rights under trademark law. I have now learned that this is false. I had questioned this at the time and was reassured by both Vanessa and Katie on multiple occasions that my concerns over the validity and legality of this were already cleared by the lawyers. Despite my concern they continued to ensure me that anything I did in the past regarding TTI counted as part of my "BCS advocacy."

For the last few months I have been defending myself as the sole owner and founder of BCS because that's what I was told and ensured by those in power at BCS was legally my right. It was never my intention to lie or deceive anyone in the process, I was operating under the information hat was given to me with the intention that I was helping kids.

At this time I am taking a step back from TTI advocacy as I never asked to brought into the middle of this division and used as a pawn. Please respect my privacy and stop reaching out. To those who are calling and harassing me, sending me harassing messages online and via text, I'm asking you survivor to survivor, please stop.

Joshua Scarpuzzi



Lily Speerbrecker, Topher Miller and 10 others 3 Comments



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Josh Scarpuzzi



Just to clarify some confusion regarding timeline and

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