

# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                 |   |                     |
|---------------------------------|---|---------------------|
| COMMUNITY ARTS ADVOCATES, INC., | ) |                     |
| and STEPHEN H. BAIRD,           | ) | Civil Action No:    |
|                                 | ) | 04 11618 NG         |
| Plaintiffs,                     | ) |                     |
|                                 | ) | Judge Nancy Gertner |
| v.                              | ) |                     |
|                                 | ) |                     |
| CITY OF BOSTON,                 | ) |                     |
|                                 | ) |                     |
| Defendant.                      | ) |                     |

DECLARATION OF ROSANNA LEE

I, Rosanna Lee Cohen, declare as follows:

1. I have personal knowledge of the matters stated in this declaration and I make this declaration based upon my own knowledge and recollection of those matters.

2. I am a singer and guitar player and I perform under the name Rosanna Lee. I currently live in Venice, California and perform in the greater Los Angeles area. I have recorded two albums, "The Girl With The Red Guitar" in the fall of 2002 and "Make Believe" in the winter of 2004. Both of my albums were released on Big Girl Records, the label I created in 1998. In 2003, I toured the country, performing eighty shows in twenty states, including The Kendall Café in Cambridge, Massachusetts. I also produced a compilation CD of Boston folk music artists in 1999 entitled "Can You Read This Boston?" \$2.50 from the sale

of each copy of the CD is contributed to the Boston Adult Literacy Fund (BALF). The project has raised over \$3,000 for BALF since its release in April, 1999. The album won the 2000 Boston Music Award for "Outstanding Folk/Acoustic Album" and Crossroads Magazine's Gold Star for being the "Best Contemporary Folk Compilation" of 1999 in the United States. I attach to this declaration a biography and a list of my recordings.

3. I lived and performed in the City of Boston, Massachusetts until June, 2004. I was issued Boston Police Department Itinerant Musician Licenses for the years 2002 and 2003. A copy of my Boston Police Department Itinerant Musician License for the year 2003 is attached.

4. I am a member of Community Arts Advocates, Inc.

5. I began my musical career in the spring of 2002 when I brought my guitar to the Park Street subway station in Boston and played some of my original material. The response I received that spring playing underground and in the summer playing on the streets of Boston and Cambridge encouraged me to pursue a career as a singer and musician. A Boston producer, Tom Dube, who produced albums for Boston musicians Aimee Mann and Martin Sexton, heard me playing my guitar on Newbury Street and offered to work with me on my

debut album. "The Girl With The Red Guitar" was recorded with Mr. Dube in the fall of 2002.

6. I was able to perform on the sidewalks and subway platforms of Boston during the spring and summer of 2002 without a problem. Whenever there was a noise complaint, an officer asked to see my Itinerant Musician License and I presented the officer with my License. Every time, the officer would tell me that because I had a License, I could continue to perform at that location. On one occasion, an officer asked me to play a song so that he could judge for himself whether I was too loud. I played a song and he agreed that my performance was not too loud and that I could continue to play.

7. On September 6, 2002, I was told by Officer William Hassen of the Boston Police Department that if anyone calls to complain about my playing being too loud, I was going to have to stop playing. Officer Hassen asked to see my License and I presented it to him. He allowed me continue to play. About 30 minutes later, Officer Hassen returned and told me that there had been a noise complaint and that I had to stop playing. He stated that he was following orders from his captain, who had recently received complaints from local residents about the noise.

8. On September 11, 2002, I called Community Service Sergeant Michael Casinelli of Boston Police Department District 4 to explain my story. Sergeant Casinelli told me that I am not allowed to be amplified, although it doesn't say that anywhere on my License. He also told me that I can only play between 6 P.M. and 9 P.M., Monday through Saturday, and that I could be arrested if I go back out on Newbury Street with an amplifier. I explained to him that without an amplifier I would be singing to myself.

9. Being asked to stop performing or to leave by the police was a very unsettling experience. Trying to perform on the public streets, sidewalks, and parks in Boston was like a game of chance. If I chose the right location and the residents did not complain, I was allowed to perform. However, if I chose a location near a resident who did not want any noise, I was told I could not perform.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
Rosanna Lee Cohen

9/29/02  
Date

## Rosanna Lee

It took Rosanna Lee some time before she embarked on the journey of being a performing singer/songwriter. In her past lives she was a news assistant at a TV station, an elementary school teacher, a producer of a benefit compilation CD, and a talent scout for a historic record label. Her search for her true calling ended when she took the guitar she'd been playing at home down to the Park St. subway station in Boston in the spring of 2002 and tested out her own material. The response that she received that spring playing underground and in the summer playing on the streets of Boston and Cambridge encouraged her to pursue this singer/songwriter thing seriously. Boston producer Tom Dube (Aimee Mann, Martin Sexton) heard Rosanna playing one of his favorite Neil Finn songs on Newbury St. one day and offered to work with her on a debut CD. *The Girl With The Red Guitar* was recorded that fall and as soon as it was finished, Rosanna began sending it to clubs around the U.S. so that she could hit the road. And hit the road she did.

In 2003, Rosanna put over 15,000 miles on her car going from gig to gig. She performed 80 shows in 20 states at venues such as The Kendall Cafe in Cambridge, MA, The Living Room in New York City, Uncommon Ground in Chicago, The Evening Muse in Charlotte, and the Make-Out Room in San Francisco. Along the way she gathered legions of Rosanna fans including Zoe Montana, a DJ at [www.radioio.com](http://www.radioio.com), who said, "*The Girl With The Red Guitar* is beyond essential. Rosanna's performance on it is like a friend in your living room singing only for you." Ed Hyatt, a fan in Virginia wrote, "I haven't been able to listen to Patty Griffin or Jonatha Brooke much recently because I can't bring myself to take *The Girl With The Red Guitar* out of my CD player." Seven Days VT declared, "Rosanna Lee is getting known for her intricate folk-pop gems." 2003 was a busy year alright, and in 2004 a new stage of Rosanna's journey begins with the winter release of a new 5 song EP called *Make Believe*.

On *The Girl With The Red Guitar*, Rosanna demonstrated her willingness to look the complexities of human beings and their relationships straight in the eye. The songs on her new EP *Make Believe* share the same direct approach, delving even deeper into the places where people hide the truth about what they feel. The subjects tackled on this record are not for the faint of heart: insanity, infidelity, grief, redemption and last chance love are all covered here. In addition to her new EP, Rosanna also has a new blonde guitar (having retired the red one) and being eager to introduce both to the world, her 2004 touring begins with a trip to California and Florida. Shows in Florida, New York, Ohio, Illinois, Indiana, Missouri, Tennessee, Georgia, North Carolina, Washington D.C., and Pennsylvania will follow.

Like *The Girl With The Red Guitar*, *Make Believe* will be released on Big Girl Records, the label that Rosanna created in 1998. The label's original mission was to build a bridge of support from songwriters to literacy by contributing a portion of the proceeds from every Big Girl Records release to literacy organizations. With *Make Believe*, the label is expanding its mission to include supporting any organization that aids the people it serves in a life altering way. \$1 from the sale of every copy of *Make Believe* will be contributed to The Children's Room in Arlington, MA, an organization that provides a safe and caring environment for children, teenagers and their families where they can receive the support they need while grieving the death of a loved one. The subject is close to Rosanna's heart as she lost her own father while in high school. She now volunteers at The Children's Room and has witnessed first hand how invaluable the place is to the families who go there. For more information, visit [www.childrensroom.org](http://www.childrensroom.org).

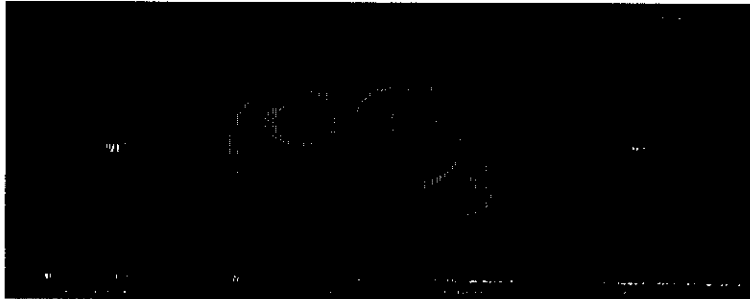
[ [Bio](#) | [Photos](#) | [Press Releases](#) | [Articles/Reviews](#) ]

**8.20.03** Zoe Montana/Host: RadioioAcoustic "I mentioned last week that this CD needs its own page, and this week after becoming acquainted with the songs beyond a first impression, let me update that to "it needs TWO pages on its own!"

Each of the ten tracks conveys a wonderfully simple and pure vocal quality...you catch new meanings from the excellent lyrics the second time through, or it hits you in a different mood and sounds completely new. I don't know how many times this week I've thought...hey, this is really great...who is this? I go to the pop-up window and there it says..."now playing: Rosanna Lee."

"The Girl With The Red Guitar" is beyond "essential."

monday . septem



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1. Blood Lyrics
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3. Another White Day Lyrics
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5. Fair Warning Lyrics

(2004)

On *The Girl With The Red Guitar*, Rosanna Lee demonstrated her willingness to look the complexities of human beings and their relationships straight in the eye. The songs on her new EP *Make Believe* share the same direct approach, delving even deeper into the places where people hide the truth about what they feel. The subjects tackled on this record are not for the faint of heart: insanity, infidelity, grief, redemption and last chance love are all covered here. \$1 from the sale of every copy of *Make Believe* will be contributed to *The Children's Room* in Arlington, MA. The Children's Room provides a safe and caring environment for children, teenagers and their families where they can receive the support they need while grieving the death of a loved one. For more information, visit [www.childrensroom.org](http://www.childrensroom.org).

**ROSANNA LEE: Make Believe**

\$8.00

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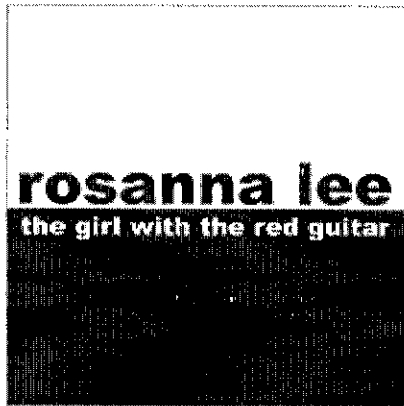
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- 6. Miracle Lyrics
- 7. Undercut Lyrics
- 8. Twilight Turnaround Lyrics
- 9. 180 Degrees Lyrics
- 10. All Of The Lightning Lyrics

(2002)

*The Girl With The Red Guitar* is Rosanna's debut recording. It was recorded live in September 2002 by Tom Dube (Aimee Mann, Martin Sexton) at Playtime Music Co. in Boston. The solo acoustic disc features ten original folk/rock tracks. 10 % of the profits from *The Girl With The Red Guitar* will be contributed to Reach Out And Read®, a national organization whose mission is to make literacy promotion a standard part of pediatric primary care, so that children grow up with books and a love of reading. Reach Out And Read® trains doctors and nurses to advise parents about the importance of reading aloud and to give books to children at pediatric check-ups from six months to five years of age, with a special focus on children growing up in poverty. For more information, visit [www.reachoutandread.org](http://www.reachoutandread.org).

**ROSANNA LEE: The Girl With the Red Guitar**

\$12.00



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- 2. Two Steps Gonzalo Silva
- 3. Forgiven The Beloved Few
- 4. These Four Walls Kyler
- 5. Along The Way Kevin So
- 6. Beautiful Boy Nate Borofsky
- 7. We Could Be Alone Mercy James
- 8. Truth Pamela Means
- 9. Hollow Man Mark Erelli
- 10. All The Way Down Kristin Cifelli
- 11. Out On The Porch Jabe
- 12. Open Road Kris Delmhorst
- 13. Mother To Son Young Charles Cox (Written by Langston Hughes)

(1999)

Before Rosanna began performing and recording her own music, she produced this compilation CD featuring twelve of the best emerging singer/songwriters from late 90's Boston scene. In 2000, *Can You Read This Boston?* won the Boston Music Award for Outstanding Folk/Acoustic Album and to date the project has raised over \$3000 for the Boston Adult Literacy Fund's Scholarship Program. Through the Scholarship Program, BALF recognizes the outstanding

adults who have successfully completed their basic education or ESL coursework at one of BALF's programs and are continuing on to higher education or comprehensive technical training. Scholars are selected on the basis of their educational achievements, service to their community, and perseverance in the face of hardship. For more information, visit [www.balf.net](http://www.balf.net).

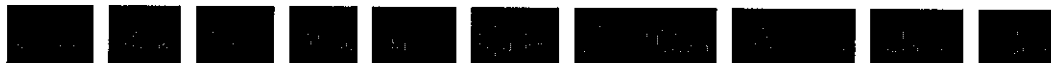
**CAN YOU READ THIS BOSTON?**

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