

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMUNITY ARTS ADVOCATES, INC.)
and STEPHEN H. BAIRD,)
Plaintiffs,)
v.)
CITY OF BOSTON,)
Defendant.)

CIVIL ACTION NO. 04-11618-NG

EXHIBIT B

to

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
SUPPLEMENTAL DECLARATIONS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMUNITY ARTS ADVOCATES, INC.)
and STEPHEN H. BAIRD,)
Plaintiffs,)
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v.)
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CITY OF BOSTON,)
Defendant.)

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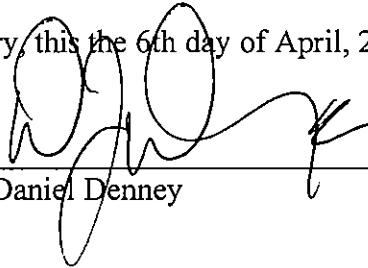
DECLARATION OF DANIEL DENNEY

I, Daniel Denney, declare and state as follows upon personal knowledge:

1. I am a street performer. I perform as a magician. I have performed as a magician for 6 years and have performed in Cambridge and Boston, Massachusetts.
2. On Sunday, April 3, 2005, I went to watch a fellow street performer, Gary Osbourne ("Osbourne"), perform, with the intention of performing after him at Sam Adams Park in Boston, which is also known as Dock Square. A little after 2:30 p.m., after Osbourne had performed for about 10 minutes, I saw a police officer named Wayne tell Osbourne that he had to have a permit to perform there. Osbourne asked the police officer where he could obtain a permit. The Officer said Osbourne could obtain a permit in Room 811 of Boston City Hall. As the result of this exchange, it was my understanding that neither Osbourne nor I could perform, and I left Sam Adams Park around 3:00 p.m.
3. On Monday, April 4, 2005, I went with Osbourne to Room 811 in Boston City Hall. We asked for a permit to perform in Boston. We were told by the City workers in Room 811 that they do not issue permits and that we should talk to the Boston Department of Public Works. They told us to go to a room directly below for permits in Boston City Hall.

4. We then went to the room directly below (which I think was Room 715) in Boston City Hall and asked for a permit to perform in Boston. The City workers in that room told us that they do issue permits but they will not issue street performer permits of any kind for Sam Adams Park or Downtown Crossing or any public thoroughfare in Boston. They said we could go to Police Headquarters in Roxbury and seek a permit there. They also said street performers could apply for a Vendor's License, allowing them to set up a space to sell CD's. However, the workers said it would take 2 weeks to get such a license and no such license would be issued for any "tourist area" in downtown Boston. We then left Boston City Hall.

Signed under the pains and penalties of perjury, this the 6th day of April, 2005.



Daniel Denney