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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB, SHARON :
BLYTHE, JOSH GOSCIAK, KENNETH T. :
JACKSON, MADELINE NELSON, ELIZABETH :
SHURA, and LUKE SON :

Plaintiffs,

- against -

THE CITY OF NEW YORK, RAYMOND
KELLY, Police Commissioner of the New York
City Police Department, JAMES TULLER,
Commanding Officer, Patrol Borough Manhattan
South, and LT. JOHN DOE and CAPTAIN JANE
DOE, New York City Police Department

Defendants.

: 07 Civ. _____ (_____)

:
: **DECLARATION OF**
: **STEPHEN VACCARO**
: **PURSUANT TO**
: **LOCAL CIVIL RULE 6.1(d)**

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Stephen Vaccaro declares as follows:

1. I am an associate with the firm of Debevoise & Plimpton, counsel to plaintiffs Five Borough Bicycle Club, Sharon Blythe, Josh Gosciak, Kenneth T. Jackson, Madeline Nelson, Elizabeth Shura, and Luke Son, and a member of the Bar of this Court. I make this declaration in support of Plaintiffs' proposed Order to Show Cause for a Preliminary Injunction.

2. As set forth in the accompanying complaint and memorandum of law, Defendants have used their rulemaking power to revise the rules interpreting New York City Administrative Code § 10-110, so that any “recognizable group” of 50 bicyclists is by definition a “parade” subject to arrest unless it is proceeding pursuant to a parade permit issued by NYPD. *See* 38 Rules of the City of New York § 19-02(a) (effective Feb. 25, 2007) (together with NYCAC § 10-110, the “Parade Rules”). Plaintiffs seek a declaration that Defendants’ new Parade Rules are unlawful, and a preliminary and a permanent injunction against the enforcement of the rules.

3. The reason for proceeding other than by notice of motion is that Plaintiffs will suffer severe and potentially irreparable harm to their constitutional rights to freedom of intrastate travel, freedom of speech, freedom of association and due process if enforcement of the Parade Rules is not immediately enjoined.

4. In particular, Plaintiffs seek injunctive relief from the enforcement of the Parade Rules against the Critical Mass group bicycle ride scheduled to take place this Friday, March 30, 2007, originating at Union Square in Manhattan. Unless enforcement of the Parade Rules is immediately enjoined, those Plaintiffs who participate in the March 30th Critical Mass will be subject to arrest. In addition, those Plaintiffs who choose not to participate in the March 30th Critical Mass out of fear of arrest, will be impermissibly chilled in the exercise of their First Amendment constitutional freedoms.

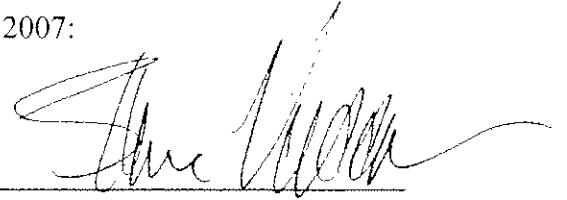
5. Further, Plaintiff Five Borough Bicycle Club (“5BBC”) organizes group bicycle rides most Saturdays and Sundays that may require a parade permit under the new Parade Rules. Absent an immediate injunction, 5BBC faces the imminent threat that it will be subject to the Parade Rule’s burdensome permitting requirements and

unnecessary route restrictions, or that ride participants will be subject to arrest if 5BBC fails to comply with those permitting requirements.

6. No previous application for similar relief has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at new York, New York this 27th day of March, 2007:

A handwritten signature in black ink, appearing to read "Steve Vaccaro", written over a horizontal line.

Steve Vaccaro