

# **EXHIBIT 1**

## DECLARATION OF ADRIAN SANNIER

1. I make the statements in this Declaration based on my own personal knowledge, information, and belief.
2. I am the University Technology Officer and Professor in the Division of Computing Sciences at Arizona State University (“ASU”). I am responsible for developing and implementing ASU’s long range technology plan.
3. ASU is one of seven institutions partnering with Amazon to pilot the use of the Kindle DX on a limited basis. Participating institutions will provide Amazon with feedback regarding its viability as an alternative to printed texts.
4. ASU’s pilot program is limited to three sections of the Barrett Honors College Human Event course. No other ASU courses are involved in the pilot.
5. In furtherance of the pilot, ASU has: entered into an agreement with Amazon; announced and planned for the pilot; and purchased some of the Kindles.
6. The purpose of the Kindle DX pilot is to help determine whether Kindle is a viable alternative to traditional textbooks.
7. The Kindle DX pilot will continue in the six other institutions, in other states, with or without ASU’s participation.
8. Part of the feedback ASU will provide to Amazon is the experience of any participating disabled students, including its accessibility to visually impaired students.
9. The pilot would provide Amazon with the information it could use to improve the Kindle.
10. Amazon has informed its customers that it is working on making the Kindle DX accessible to the blind. ASU has no reason to doubt Amazon’s statement.

11. Feedback from the pilot, including accessibility issues, will be considered by ASU in making future decisions about using the Kindle DX.

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

DATED this 23 of July, 2009.



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Adrian Sannier, Ph.D.

## **EXHIBIT 2**

## DECLARATION OF TED HUMPHREY

1. I make the statements in this Declaration based on my own personal knowledge, information, and belief.

2. I am President's Professor at Arizona State University ("ASU"). I was instrumental in creating and establishing the Human Event (Humanities) course, which is the core of the Barrett Honors College at ASU. Students must apply to the College, which only accepts academically outstanding students. The Human Event, a two semester course, is required of all Barrett Honors students, and only Barrett students who have fewer than 75 hours of college credit are permitted to take the course. The Human Event explores and discusses the classic questions that humankind has wrestled with throughout the ages. The readings start with ancient texts, such as Homer, and move forward through time over two semesters.

3. In fall 2009, ASU is offering 47 sections of The Human Event, at various times and on a Monday, Wednesday, Friday or Tuesday and Thursday schedule. There are approximately 900 students enrolled in the course. Each section will have twenty to twenty-five students.

4. I will conduct the Kindle DX pilot in three sections of The Human Event. The pilot is limited to a total of 58 students. All three pilot sections are full.

5. Each student participating in the pilot will receive a Kindle DX at no cost. In exchange, they will agree to provide feedback and will continue to participate, to the extent possible, in the pilot in the spring semester.

6. The Kindle DX pilot sections were not separately listed or designated. Registration was open to all Barrett Honors College students with fewer than 75 hours of college credit. Most students did not know they had registered for a pilot section until they received a letter from me. A few students

learned of the pilot beforehand and sought to participate. They were permitted to do so based on availability.

7. No blind students enrolled in the pilot sections or sought to be enrolled.

8. I made no effort to screen any disabled students from the pilot. No blind students were prevented or excluded from participating.

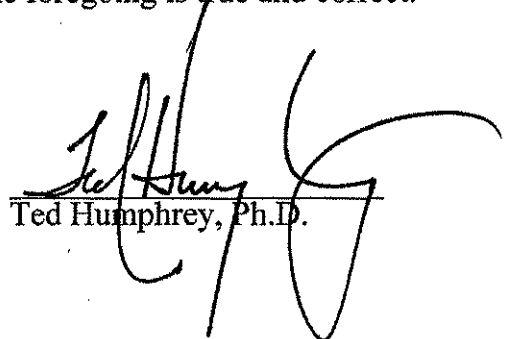
9. Students will not be graded on their ability to use the Kindle DX device.

10. I will work with ASU's Disability Resource Center to accommodate any disabled or blind students who enroll in the Kindle DX pilot.

11. I have put substantial effort into the Kindle DX pilot program, including making arrangements with Amazon and Hackett Publishing for the texts students will use in the course. I have notified the students who will participate in the pilot and I have scheduled special training for them. In addition, I have hired a student worker to provide technical support to participating students.

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

DATED this 23<sup>rd</sup> day of July, 2009.

  
Ted Humphrey, Ph.D.

## **EXHIBIT 3**

## DECLARATION OF TERRI HEDGPETH

1. I make the statements in this Declaration based on my own personal knowledge, information, and belief.

2. I am the Director of Disability Resources at Arizona State University ("ASU") Tempe campus.

3. ASU's Disability Resource Center ("DRC") makes a commitment to students with print disabilities that we will provide at least an initial installment of text materials within two weeks or less of the date of the request, and will continue to provide installments of the requested materials in a timely manner to our students.

4. Dr. Teresa Haven, Alternative Format Services Supervisor at ASU/DRC Tempe, has reviewed the reading list for Dr. Humphrey's Human Event course. I am Dr. Haven's supervisor. Dr. Haven reports that the selected literary texts can be converted to an accessible format within days. Converting such basic literary texts into an accessible electronic format is not as complicated as converting textbooks that contain charts, graphs, or mathematic and scientific symbols.

5. Students who are blind or visually impaired have a variety of electronic devices available to them that use text-to-speech technology, on which they can download searchable electronic versions of multiple texts and then convert them to speech or Braille. These students can look up words or access other research sites on the internet with a laptop; in fact, small laptops have increasingly become the preferred choice of most ASU students who are blind. ASU students have access to free internet on our four ASU campuses.

6. Students who are blind obtain access to print materials from a variety of sources. DRC Alternative Format Services meets with each student who request alternative formatted text, to identify their individual format



preferences, and maintains individual files for each student to note their stated preferences.

7. ASU has no policy or practice of excluding any academically qualified students with disabilities from enrolling in the Barrett Honors College or any other academic department/college.

8. DRC is fully prepared to accommodate any students who are blind, or otherwise need alternative formatted text, who enroll in a Human Event section using the Kindle DX; although no students registered with DRC are currently enrolled in the Kindle pilot course.

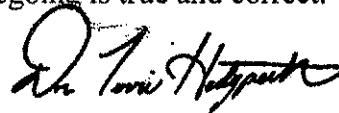
9. Only one of DRC's incoming freshman students who are blind has been accepted for admissions into the Barrett Honors College for fall 2009. However, this student has not accepted the invitation or registered for the honors classes.

10. Plaintiff Darrell Shandrow is a junior in the School of Journalism; he can not enroll in or participate in the Kindle DX pilot, which is limited to freshman enrolled in the Barrett Honors College.

11. The ability of the Kindle DX to enlarge text and provide the text-to-speech feature could be beneficial to many students with disabilities other than blindness. Examples include students with low vision, limited motor movement, or dyslexia. Thus, the Kindle DX has the potential to help many students with disabilities, even if it is not currently accessible for students who are blind.

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

DATED this 24 day of July, 2009.



Terri Hedgpeth, Ed.D.