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June 25, 2009

**VIA HAND-DELIVERY**

Attorney General Terry Goddard  
Office of the Attorney General  
1275 West Washington Street  
Phoenix, Arizona 85007

Re: *National Federation of the Blind v. Arizona State University*  
2:09-cv-01359-MHM

Dear Mr. Goddard:

On behalf of the National Federation of the Blind, the American Council of the Blind and Darrell Shandrow, we have filed today in Arizona District Court a Complaint, a Motion for Preliminary Injunction, a Motion for Expedited Discovery and a Request for Pretrial Conference. Copies of the documents filed with the court are enclosed.

The factual and legal bases for Plaintiffs' claims are outlined in the Complaint and Motion for Preliminary Injunction. The injunction seeks to preclude Arizona State University from implementing an electronic textbook program beginning with the 2009 Fall Semester through which ASU would provide students taking certain courses with Kindle DX electronic book readers. Plaintiffs challenge the program because the Kindle electronic readers are inaccessible to blind students.

Time is of the essence, as the program Plaintiffs challenge is scheduled to begin with ASU's Fall 2009 Semester. Accordingly, Plaintiffs are requesting a hearing on the Motion for Preliminary Injunction before the 2009 Fall Semester begins. Plaintiffs also seek expedited discovery relating to the electronic textbook program. Enclosed is a copy of Plaintiffs First Request for Production of Documents. The request is limited in scope; we believe it encompasses a discrete set of documents that can be quickly produced at minimal burden.

The purpose of this letter is to discuss the possibility of stipulating to an expedited preliminary injunction hearing date and an accelerated discovery schedule. This would include a shortened time for responding to the document request.

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We recognize that Defendants will want to conduct some investigation into Plaintiffs' claims. At a preliminary injunction hearing in this matter, our witnesses would include following:

1. Representatives of the Plaintiff organizations as to the injury done to their organizations and their membership by the Defendants' actions;
2. Darrell Shandrow as to the injury done to him by the Defendants' actions and his experience with Disability Resource Center ("DRC") in receiving textual material;
3. Recent blind alumni Arielle Silverman and Ben Bloomgren about their experiences with DRC in receiving textual material;
4. James Marks, President-Elect of AHEAD and Director, Disability Services for Students, as an expert on the lack of equivalent access afforded by DRC to the access that would be afforded by an accessible Kindle DX;
5. James Barbour, as an expert on the feasibility of making the Kindle DX user interface accessible;
6. Custodians of records for the Defendants to establish as business records certain documents produced by the Defendants in response to the Request for Production of Documents submitted herewith.

To help expedite an early preliminary injunction hearing, we are happy to respond to informal discovery requests and to make witnesses available for telephone interviews.

We hope the parties can work together on these issues. Please call me on this at your earliest convenience.

Very truly yours,

/s/Andrew S. Friedman  
Andrew S. Friedman

ASF/nv

Enclosures: as stated

cc: Guy A. Hansen  
Daniel F. Goldstein  
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Amy Robertson  
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