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**UNITED STATES DISTRICT COURT
for the District of Arizona**

The NATIONAL FEDERATION OF THE
BLIND, The AMERICAN COUNCIL OF
THE BLIND, and DARRELL
SHANDROW,

Plaintiffs,

v.

ARIZONA BOARD OF REGENTS and
ARIZONA STATE UNIVERSITY,

Defendants.

Case No. 2:09-cv-01359-GMS

DECLARATION OF DARRELL
SHANDROW IN SUPPORT OF
PLAINTIFFS' BRIEF IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS PLAINTIFF
DARRELL SHANDROW FOR
LACK OF STANDING

I, Darrell Shandrow, do hereby declare that:

1. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify, I could competently testify to the truth of these matters.

2. I am a student at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University (“ASU”). I have junior standing and am beginning classes this week.

3. I attended ASU for approximately two years, from January of 1992 to May 1994. In June of 1994, I moved to Colorado, and for a year, I was a student at the Colorado Center for the Blind. After graduating, I held a variety of technology-related jobs. I returned to Arizona in May of 1998, and continued working. I started back at ASU in the fall of 2008.

4. I am blind.

5. Since returning to ASU in 2008, in order to access the textbooks I need to read for my classes, I generally have used the Disability Resource Center (“DRC”). When the DRC is unable to assist me, I can sometimes utilize www.bookshare.org, a website that provides scanned books to people with print disabilities. However, Bookshare rarely has the books I need, particularly when these books are textbooks. As a last resort, I will obtain a recording of my book from Recording for the Blind and Dyslexic (“RFB&D”). I prefer not to use RFB&D’s recordings because I find them to be far inferior to reading a book. The recordings are made by volunteers, who sometimes lack any understanding of the subject matter at hand, and the clarity

depends on the speed, accent, and speaking style of the reader. One of my Spanish books was read far too quickly, for example, which made it difficult for me to follow and comprehend. Additionally, the recordings are not searchable, they do not provide the spelling or punctuation of the text, and I am dependent on the reader's description of charts and graphs. Furthermore, they can sometimes take several weeks for me to obtain.

6. Both Bookshare and RFB&D require that I submit to a registration process to prove that I am disabled, an extra step I would not have to take to download e-books if the Kindle were accessible.

7. To obtain accessible books, I purchase the books at full price and then provide the invoices for the books to the DRC, which then attempts to provide an accessible version to me. They are often able to get an electronic file from the book's publisher; if such a file is not available, they scan the book for me. In either case, these versions can be very difficult for me to use – for example, the files lack pagination, marked headings or other structural data, so I don't know if I am reading the assigned pages. This can also make studying and following along in class challenging, especially if I am asked to pay attention to a particular quote or a footnote by my professor. It can also make quoting particular passages from books for papers difficult. I generally need to ask a sighted student for assistance. Such assistance is not always available to me, impacts my colleagues' views of my independence, and raises issues of possible conflict of interest. As a result, I have

been forced on more than one occasion to guess at the page number of the quote I am attempting to cite by looking at the table of contents, or to simply cite an entire chapter, rather than citing to a particular page. I feel that this can weaken the strength and clarity of my papers.

8. On one occasion, the file of a book provided to me by the DRC – The Dynamics of Mass Communication: Media in the Digital Age, by Joseph R. Dominick – was so riddled with errors that I had to return it to them. I had to obtain a recording of the book from the RFB&D, and use supplementary materials, to try and make up for not having an actual version of the book.

9. The DRC has advised that I need to provide my textbooks to them for conversion as early as possible. However, it can sometimes be difficult for me to obtain the complete coursebook lists in time for them to convert the books for me. For instance, when I took JMC201, “News, Writing and Reporting,” my professor changed one of our books between my registration for the class and the beginning of class. Unlike my sighted peers, I couldn’t just go out and buy a copy of the new book, and it was too late to get the book converted by the DRC. Indeed, I was not able to get an accessible version of the book at all. Instead, I had to use an older, audio-recorded edition from RFB&D, and had to use alternative resources to supplement the older edition.

10. Additionally, the DRC will not attempt to look for accessible versions of books from publishers until I have provided them with receipts to prove I

purchased them, which can occasionally lead to delays.

11. The significant amount of time needed by the DRC to prepare accessible books also means that I also have significantly less flexibility in my schedule. I have to register for classes early and cannot change my schedule during add/drop periods.

12. I have been aware of ASU's participation in the Kindle pilot program since approximately the beginning of May 2009. I first found out about the program through a blog post written by ASU's IT department. I find it to be both offensive and degrading that my university would participate in such a program, when it has been advised that the technology it is adopting is not accessible to blind people. It makes me feel unwelcome -- like a second-class citizen -- in the ASU community. I also find it insulting that my tuition dollars are supporting a program that is attempting to test the usefulness of this technology, while excluding feedback from and discriminating against blind students like me.

13. If, as seems likely, the Kindle is adopted more widely at ASU, this will continue to discriminate against me, exclude me from this unnecessarily inaccessible technology, and put me at a significant competitive disadvantage with my sighted peers.

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

Executed on August 26, 2009, in Phoenix, Arizona.

A black rectangular box containing a white, handwritten signature that appears to read "Darrell Shandrow".

Darrell Shandrow