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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

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

13 Plaintiff,

14 v.

15 The ARIZONA BOARD OF REGENTS
16 and ARIZONA STATE UNIVERSITY,

17 Defendants.

Case No: CV09-01359 GMS

**DEFENDANTS' FIRST
SUPPLEMENTAL DISCLOSURE
STATEMENT**

(Assigned to The Hon. G. Murray Snow)

18 Defendants Arizona Board of Regents and Arizona State University submit the
19 following First Supplemental Disclosure Statement pursuant to Rule 26(a)(1) of the
20 Federal Rules of Civil Procedure. Supplemental information is provided in bold font.

21 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION,**
22 **WHICH DEFENDANT MAY USE TO SUPPORT ITS DEFENSES.**

23 A. Dr. Ted Humphrey
24 c/o Lisa K. Hudson, Esq.
Assistant Attorney General
25 Arizona Attorney General's Office
26 1275 West Washington
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28

1 Dr. Humphrey is President's Professor, Barrett Honors College, Arizona State
2 University ("ASU"). Dr. Humphrey, a member and current president of ASU's
3 Distinguished Teaching Academy, will conduct the Kindle DX pilot at ASU. He has
4 information regarding the Human Event course in the Barrett Honors College, including
5 who is eligible to take the class; the subject of the class, and the number of students and
6 sections of the class in the fall semester. He has information about the Kindle DX pilot
7 program and the structure of that program. He also has information about the students
8 who enrolled and who sought to be enrolled in the Kindle DX pilot program.

9 B. Dr. Adrian Sannier
10 c/o Lisa K. Hudson, Esq.
11 Assistant Attorney General
12 Arizona Attorney General's Office
13 1275 West Washington
14 Phoenix, Arizona 85007-2997
15 (602) 542-7673

16 Dr. Adrian Sannier is University Technology Officer and Professor, Computing
17 Sciences, ASU. Dr. Sannier is responsible for the selection, integration, and deployment
18 of strategic technologies to meet the unique administrative, research, and academic
19 computing needs of the multi-campus university that is ASU. Dr. Sannier has
20 information about the technical capabilities of the Kindle DX. Dr. Sannier has
21 information regarding the Kindle DX pilot, including details about ASU's agreement
22 with Amazon and the feedback that ASU expects to provide to Amazon.

23 C. Kari Barlow
24 c/o Lisa K. Hudson, Esq.
25 Assistant Attorney General
26 Arizona Attorney General's Office
27 1275 West Washington
28 Phoenix, Arizona 85007-2997
(602) 542-7673

Ms. Kari Barlow is Assistant Vice President, University Technology Office,
ASU. Ms. Barlow is responsible for coordinating customer outreach efforts and

1 coordinating strategic alliances. She has information regarding the Kindle DX pilot
2 program. She also has information about ASU's agreement with Amazon.

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4 D. Dr. Terri Hedgpeth
5 c/o Lisa K. Hudson, Esq.
6 Assistant Attorney General
7 Arizona Attorney General's Office
8 1275 West Washington
9 Phoenix, Arizona 85007-2997
10 (602) 542-7673

11 Dr. Terri Hedgpeth is Director, Disability Resources, Disability Resource Center
12 ("DRC"), ASU. Dr. Hedgpeth has information regarding the services provided by DRC.
13 She has information about potential accommodations for blind ASU students who may
14 be enrolled in the Barrett College or any other academic department/college. Dr.
15 Hedgpeth has information regarding Plaintiff Darrell Shandrow's qualifications to
16 participate in the Kindle DX pilot. She also has information about how the Kindle may
17 assist disabled students.

18 E. Dr. Teresa Haven
19 c/o Lisa K. Hudson, Esq.
20 Assistant Attorney General
21 Arizona Attorney General's Office
22 1275 West Washington
23 Phoenix, Arizona 85007-2997
24 (602) 542-7673

25 Dr. Teresa Haven is the Alternative Format Services Supervisor at the DRC,
26 ASU. Dr. Haven has information about the accessibility of the texts selected for the
27 Kindle DX pilot program. She has information about the services provided by DRC.
28 She also has information about electronic devices available to assist blind students. Dr.
Haven has information about blind students' access to print materials. She also has
information about potential accommodations should a blind student be enrolled in the
Kindle DX pilot.

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2 **II. DOCUMENTS IN THE POSSESSION, CUSTODY, OR CONTROL OF**
3 **DEFENDANT, WHICH MAY BE USED TO SUPPORT ITS DEFENSES.**

4 Unless otherwise noted, copies of the below-listed documents have been
5 produced.

6 A. ASU's Fall 2009 Barrett Honors College Schedule of Classes, Bates
7 numbered ASU-NFB00001 – 2.

8 B. A description of the Barrett Honors College listing qualifications of
9 students admitted to the college, Bates numbered ASU-NFB00003 – 4.

10 C. ASU Disability Resource Center web pages, Bates numbered ASU-
11 NFB00005 – 24.

12 D. Dr. Ted Humphrey's reading list for HON 171: The Human Event, Bates
13 numbered ASU-NFB00025.

14 E. **Mutual nondisclosure agreement between Amazon Digital Services**
15 **and ASU, Bates numbered ASU-NFB00026 - 30.**

16 F. **Dr. Haven email, Bates numbered ASU-NFB00031 - 33.**

17 G. **Kari Barlow, Martha Christiansen, Ted Humphrey, Adrian Sannier,**
18 **and Deborah Taska email regarding Kindle pilot, Bates numbered ASU-NFB00034**
19 **– 972.**

20 H. **Adrian Sannier email Bates numbered ASU-NFB00973 – 975.**

21 I. **Course syllabus for HON 171: The Human Event, dated July 20, 2009,**
22 **Bates numbered ASU-NFB00976 – 980.**

23 J. **May 4, 2009 grant letter from Amazon.com to Adrian Sannier, Bates**
24 **numbered ASU-NFB00981 – 982.**

25 K. **Email regarding the Kindle pilot, Bates numbered ASU-NFB00983 -**
26 **1069.**

1 L. Course syllabus for HON 171: The Human Event, dated August 22,
2 2009, Bates numbered ASU-NFB01070 - 1074

3 **III. COMPUTATION OF DAMAGES.**

4 Defendant is not seeking damages in this action but may pursue an award of costs
5 and attorneys' fees.

6 **IV. INSURANCE AGREEMENTS.**

7 Defendant State of Arizona is self-insured through the Arizona Department of
8 Administration, Risk Management Section.

9 DATED this 8th day of October, 2009.

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11 Terry Goddard
Attorney General

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13 Lisa K. Hudson
14 Alisa A. Blandford
Assistant Attorney General
Attorneys for Defendant

15 The original of the foregoing mailed
16 this 8th day of October, 2009 to:

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