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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
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18 NATIONAL FEDERATION OF THE
19 BLIND, the NATIONAL FEDERATION OF
20 THE BLIND OF CALIFORNIA, on behalf of
21 their members and all others similarly situated,
and BRUCE F. SEXTON, on behalf of himself
and all others similarly situated,

22 Plaintiffs,

23 v.

24 TARGET CORPORATION

25 Defendant.
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Case No.: C 06-01802 MHP

CLASS ACTION

**DECLARATION OF ROGER HELLER IN
SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: April 16, 2007

Time: 2:00 PM

Judge: The Hon. Marilyn Hall Patel

DISABILITY RIGHTS ADVOCATES
2001 Center Street, Third Floor
Berkeley, CA 94704-1204
(510) 665-8644

1 I, Roger Heller, declare as follows:

2 1. The facts in this declaration are based upon my personal knowledge. If called to testify,
3 I could testify competently to the facts described in this declaration.

4 2. I am a Senior Staff Attorney at Disability Rights Advocates and one of the attorneys
5 representing Plaintiffs in this case.

6 3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition of
7 Todd J. Nemoir, taken in this case on January 10, 2007.

8 4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition of
9 Patricia Ann Perry, taken in this case on January 9, 2007.

10 5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the deposition of
11 Bruce F. Sexton, taken in this case on May 23, 2006.

12 6. Attached hereto as **Exhibit D** is a true and correct copy of the Declaration of Bruce F.
13 Sexton in Support of Plaintiffs' Motion for Preliminary Injunction in this case, filed May 8,
14 2006.

15 7. Attached hereto as **Exhibit E** is a true and correct copy of the Reply Declaration of Bruce
16 F. Sexton in Support of Plaintiffs' Motion for Preliminary Injunction in this case, filed July 10,
17 2006.

18 8. Attached hereto as **Exhibit F** is a true and correct copy of information concerning the
19 number of visitors to Target.com, retrieved from www.comscore.com, including true and correct
20 copies of the following web pages, as of March 21, 2007:

- 21 • <http://www.comscore.com/press/release.asp?press=1246>
- 22 • <http://www.comscore.com/press/release.asp?press=1214>
- 23 • <http://www.comscore.com/press/release.asp?press=1177>
- 24 • <http://www.comscore.com/press/release.asp?press=1152>
- 25 • <http://www.comscore.com/press/release.asp?press=1063>
- 26 • <http://www.comscore.com/press/release.asp?press=1030>

27 9. Attached hereto as **Exhibit G** are true and correct copies of the following web pages, as
28 of March 21, 2007.:

DISABILITY RIGHTS ADVOCATES
2001 Center Street, Third Floor
Berkeley, CA 94704-1204
(510) 665-8644

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- <http://www.target.com>
- <http://www.target.com/gp/flex/sign-in.html>

10. Attached hereto as **Exhibit H** is a true and correct copy of the Expert Declaration of Dr. James W. Thatcher in Support of Plaintiffs' Motion for Preliminary Injunction in this case, filed May 8, 2006.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 22 day of March, 2007, at Berkeley, California.



ROGER HELLER

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