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Crouse-Hinds Hall, Suite 300  
Syracuse, NY 13244-2130  
Telephone: (315) 443-9703

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

20 NATIONAL FEDERATION OF THE  
21 BLIND, the NATIONAL FEDERATION OF  
22 THE BLIND OF CALIFORNIA, on behalf of  
23 their members, and Bruce F. Sexton, on behalf  
24 of himself and all others similarly situated,

25 Plaintiffs,

26 v.

27 TARGET CORPORATION

28 Defendant.

Case No. C-06-01802 MHP

**CLASS ACTION**

**DECLARATION OF DANIEL BROME IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: April 16, 2007

Time: 2:00 PM

Judge: The Honorable Marilyn Hall  
Patel

DISABILITY RIGHTS ADVOCATES  
2001 CENTER STREET, THIRD FLOOR  
BERKELEY, CALIFORNIA 94704-1204  
(510) 665-8644

1 I, Daniel Brome, declare as follows:

2 1. The facts in this declaration are based upon my personal knowledge. If called to testify, I  
3 could testify competently to the facts described in this declaration. I am a paralegal at Disability  
4 Rights Advocates, counsel for the Plaintiffs in this case.

5 2. On March 22, 2007, I searched on Target.com for “stainless steel microwave.” Attached  
6 hereto as **Exhibit A** is a true and correct copy of the results

7 ([http://www.target.com/gp/search.html/602-1297417-7567810?field-  
keywords=stainless+steel+microwave&url=index%3Dtarget&ref=sr\\_bx\\_1\\_1&x=0&y=0](http://www.target.com/gp/search.html/602-1297417-7567810?field-<br/>8 keywords=stainless+steel+microwave&url=index%3Dtarget&ref=sr_bx_1_1&x=0&y=0)).

9 Within the search results, two of four microwaves were labeled “also in stores.” For both of  
10 these choices, there was a link titled “Find it at a Target store.” By clicking on the link for the  
11 first microwave listed, I was able to see a brief description of the item, the average rating, and  
12 the option to “Find it at a Target store.” Attached hereto as **Exhibit B** is a true and correct copy  
13 of this page ([http://www.target.com/gp/detail.html/sr=1-1/qid=1174597151/ref=sr\\_1\\_1/602-  
15 1297417-7567810?ie=UTF8&asin=B000M9B11G](http://www.target.com/gp/detail.html/sr=1-1/qid=1174597151/ref=sr_1_1/602-<br/>14 1297417-7567810?ie=UTF8&asin=B000M9B11G)). By clicking on “Find it at a Target store,” I  
16 was brought to a page where I could enter my city or zip code and see a list of ten Target stores;  
17 their distance from me; their address, phone number, and hours; and whether or not the  
18 microwave was available in that store. Attached hereto as **Exhibit C** is a true and correct copy  
of this page.

19 3. By clicking on “Weekly Ad” on Target.com’s homepage, I was brought to a page where I  
20 could enter my city or zip code and browse 241 products currently on sale in my area. Attached  
21 hereto as **Exhibit D** is a true and correct copy of the webpage listing the sale items in the  
22 “Home” category in my area.

23 ([http://weeklyad.target.com/target/Default.aspx?action=browsecategory11&storeid=2395111&ca  
25 ttreeid=604124](http://weeklyad.target.com/target/Default.aspx?action=browsecategory11&storeid=2395111&ca<br/>24 ttreeid=604124)). By clicking on a picture/item on that page, I was able to view a larger image  
and extended description of the item, and was able to add it to my “in-store shopping list.”

26 Attached hereto as **Exhibit E** is a true and correct copy of the description page for “Topper  
27 Memory Foam”

28 ([http://weeklyad.target.com/target/Default.aspx?action=detail&storeid=2395111&rapid=0&page  
number=0&listingid=-](http://weeklyad.target.com/target/Default.aspx?action=detail&storeid=2395111&rapid=0&page<br/>number=0&listingid=-)

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1 [2093656984&offerid=&ref=%2ftarget%2fDefault.aspx%3faction%3dbrowseshoppinglist%26sto](http://weeklyad.target.com/target/Default.aspx?action=browseshoppinglist&storeid=2395111)  
2 [reid%3d2395111](http://weeklyad.target.com/target/Default.aspx?action=browseshoppinglist&storeid=2395111)). I was then able to print out “my in-store shopping list,” which showed items  
3 that I selected, their sale prices, and the addresses and phone numbers of two local Target stores.  
4 Attached hereto as **Exhibit F** is a true and correct copy of my “in-store shopping list”  
5 ([http://weeklyad.target.com/target/Default.aspx?action=browseshoppinglist&storeid=2395111&s](http://weeklyad.target.com/target/Default.aspx?action=browseshoppinglist&storeid=2395111&shoppinglist=y)  
6 [hoppinglist=y](http://weeklyad.target.com/target/Default.aspx?action=browseshoppinglist&storeid=2395111&shoppinglist=y)).

7  
8 I declare under penalty of perjury under the laws of the State of California that the  
9 forgoing is true and correct.

10 Executed this 22<sup>nd</sup> day of March, 2007, at Berkeley, California

11  
12  
13   
14 Daniel Brome

DISABILITY RIGHTS ADVOCATES  
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(510) 665-8644

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# EXHIBIT A



All Products

Sign In | New Guest?



Save 10% in stores + online when you get a REDcard! Apply now

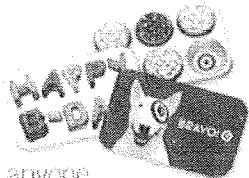
Narrow your results

- All search results (4)
- Kitchen + Housewares (4)
- Appliances (4)
- Off to College (4)
- Gift Finder (1)
- Home (1)
- Music (2)

### Big, RED 10% Off

Save in stores and online with a REDcard!

[Learn More and Apply](#)



anyone.  
anywhere.  
anytime.

Give a GiftCard

## search results

We found **6** matches for "stainless steel microwave" at Target

**Don't see what you're looking for?**

[Search Target.com for information related to "stainless steel microwave"](#)

### 4 matches for "stainless steel microwave"

- |  |   |   |            |
|--|---|---|------------|
|  | <b>Emerson .9 cu. ft. 900-Watt Microwave - Stainless Steel/ Black</b><br>Usually ships within 1 to 2 days.                                  | <b>List Price: \$64.99</b><br><b>Our Price: \$49.99</b><br><b>You Save: \$15.00 (23%)</b><br>also in stores<br>sale | <br>OR<br> |
|  | <b>LG Stainless Steel Combination Microwave Toaster</b><br>Usually ships within 1 to 2 days.  | <b>Our Price: \$139.99</b>  |            |
|  | <b>Emerson 900-Watt Microwave - Stainless Steel/ Red</b><br>Usually ships within 1 to 2 days.   | <b>List Price: \$64.99</b><br><b>Our Price: \$49.99</b><br><b>You Save: \$15.00 (23%)</b><br>also in stores<br>sale | <br>OR<br> |
|  | <b>Panasonic 1250-Watt Countertop Microwave with Sensor Cook - Stainless Steel (NNP794SF)</b><br>Usually ships within 1 to 2 business days. | <b>Our Price: \$189.99</b>  |            |

[4 product matches in our Target store](#)

## Books, Music, Videos + DVDs brought to you by amazon.com

**MUSIC brought to you by Amazon.com: No items match "stainless steel microwave"**

**These results are for "stanley steel"**

- |  |   |  |  |
|--|---|--|--|
|  | <b>Varese Sarabande 25th Anniversary Celebration Audio CD</b><br>~ Angelo Badalamenti<br>Usually ships within 24 hours. | <b>List Price: \$19.98</b><br><b>Our Price: \$16.99</b><br><b>You Save: \$2.99 (15%)</b> |  |
|--|---|--|--|

[2 product matches in our Music store](#)



Apply for a card

- [Find a Store](#)
- [Weekly Ad](#)
- [SuperTarget](#)
- [SuperTarget Coupons](#)
- [See All](#)

- [Club Wedd Registry](#)
- [Target Baby Registry](#)
- [Target Photo](#)
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- [Optical](#)
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- [Team Member Services](#)

- [Track an Order](#)
- [Return an Item](#)
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- [Shipping](#)
- [Shopping Directory](#)
- [My Account](#)
- [See All](#)

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# EXHIBIT B



All Products

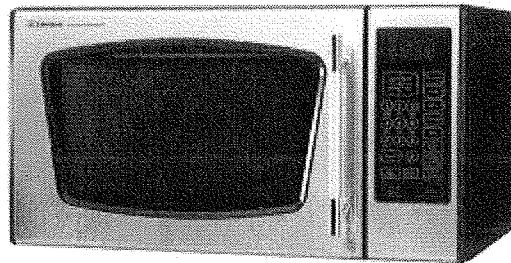
[Sign In](#) | [New C](#)



Save 10% in stores + online when you get a REDcard.<sup>SM</sup> Apply now

### Browse Similar Items

- [Microwaves](#)
- [Black Kitchen](#)
- [Stainless Steel + Gray Kitchen](#)
- [Bestsellers](#)
- [Black Appliances](#)
- [New Arrivals](#)
- [Stainless Steel Appliances](#)
- [Bestsellers](#)
- [Microwaves](#)
- [Emerson](#)
- [Emerson](#)
- [Microwaves + Refrigerators](#)
- [Appliances Weekly Ad 3.18](#)
- [Kitchen Weekly Ad 3.18](#)
- [Weekly Ad 3.18](#)



## Emerson .9 cu. ft. 900-Watt Microwave - Stainless Steel/ Black

sale  
**\$49.99**  
 List price: \$64.99  
 You Save: **\$15.00 (23%)**

also in stores

Quantity:

OR

[Sign-in for 1-Click](#)

- 
- 
- 

OR

[VIEW LARGER IMAGE](#)

**Avg. Guest Rating:** ★★

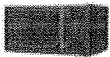
#### Availability :

Usually ships within 1 to 2 days.

This item is available online and in stores.

Prices and availability may vary by location.

### Recently Viewed Items



**Emerson 900-Watt Microwave - Stainless Steel/ Red**

sale  
 Our Price: **\$49.99**  
 also in stores

[FEATURES](#) | [DESCRIPTION](#) | [ADDITIONAL INFO](#) | [SHIPPING INFO](#)

- Rugged construction for reliability
- Beautiful design looks good anywhere
- Easy to clean touch pads
- 13.5Hx21.5Wx16.5D"

### Better Together

Buy this [Emerson .9 cu. ft. 900-Watt Microwave - Stainless Steel/ Black](#) with [Igloo Stainless Steel Mini Refrigerator](#) today!





[Emerson .9 cu. ft. 900-Watt Microwave - Stainless Steel/Black](#)  
Our Price: **\$49.99**



[Igloo Stainless Steel Mini Refrigerator](#)  
Our Price: **\$149.99**

Total List Price: \$214.98  
**Buy Together Today:**  
**\$199.98**

**BUY BOTH NOW**

**Guests Who Bought This Item also Bought**



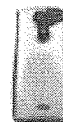
[Igloo Stainless Steel Mini Refrigerator](#)  
Our Price: **\$149.99**



[Black & Decker 2-Slice Toaster - Black \(T3550\)](#)  
Our Price: **\$19.99**  
also in stores



[Danby 4.3-cu. ft. Stainless Steel Refrigerator - DCR412BLS](#)  
Our Price: **\$169.99**



[Oster Metallic Electric Can Opener - 31](#)  
Our Price: **\$14.99**  
also in stores

**Guest Reviews**

**[Write an online review and share your thoughts with other guests.](#)** [See all Re](#)

3 of 3 people found the following review helpful:

★★★★★ **THEY AR NUTS!!!**, March 13, 2007

Reviewer: **Safty first "K. Temple"** (Philadelphia, PA) - [See all my reviews](#)

I DON'T KNOW WHAT THESE PEOPLE BROUGHT. BUT MINE IS A DREAM. IT GETS IT JUST RIGHT TO A TEE. IT EVEN HAS A BABY MILK. IT IS NEVER TOO HOT FOR THE BABY. DINNIPATE GET EVERY THING JUST RIGHT. THERE ARE TRICK TO USING IT BUT THAT MEANS THE... [read complete review](#)

Was this review helpful to you?  Yes  No

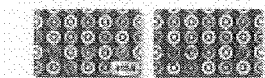
2 of 3 people found the following review helpful:

★ **Crap**, March 12, 2007

Reviewer: **jack** - [See all my reviews](#)

Just like all the other reviews this microwave is junk. Just stopped working after 2 month

Was this review helpful to you?  Yes  No



Apply for a card

[Find a Store](#)  
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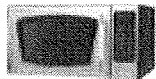
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# EXHIBIT C

CLOSE

## Find it at a Target store

PRINT THIS PAGE



### Emerson .9 cu. ft. 900-Watt Microwave - Stainless Steel/Black

ASIN: B000M9B11G DPCI: 072-01-0103  
 Prices and availability may vary by location.

Below are the nearest Target stores and current item availability information.

### Search Results for "94110"

CHANGE LOCATION

Sort by: Distance

**DISTANCE STORE AVAILABILITY**

**6.01 miles Colma**  
 5001 Junipero Serra Blvd, Colma, CA 94014  
 Phone: (650) 992-8433 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**6.37 miles Daly City Serramonte**  
 133 Serramonte Ctr, Daly City, CA 94015  
 Phone: (650) 755-2393 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**8.00 miles Tanforan**  
 1150 El Camino Real, San Bruno, CA 94066  
 Phone: (650) 827-0171 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**11.04 miles Albany**  
 1057 Eastshore Hwy, Albany, CA 94710  
 Phone: (510) 982-0512 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**13.04 miles El Cerrito**  
 11450 San Pablo Ave, El Cerrito, CA 94530  
 Phone: (510) 237-6400 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**15.11 miles San Mateo Fashion Island**  
 2220 Bridgepointe Pkwy, San Mateo, CA 94404  
 Phone: (650) 341-0734 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

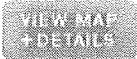
**16.14 miles San Leandro Bayfair**  
 15555 E 14th St Ste 400, San Leandro, CA 94578  
 Phone: (510) 276-2699 **Available**  
 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**17.15 miles Hayward North**



19661 Hesperian Blvd, Hayward, CA 94541  
Phone: (510) 731-0001 **Available**  
Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**17.37 miles Pinole**



1400 Fitzgerald Dr, Pinole, CA 94564  
Phone: (510) 222-0558 **Available**  
Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**21.55 miles Hayward**



2499 Whipple Rd, Hayward, CA 94544  
Phone: (510) 471-9166 **Available**  
Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm;

**NOTE:** The inventory information provided is only an approximate indication of an item's in-stock status. Because item quantities are constantly changing, we cannot guarantee an item's availability at a particular store.

# EXHIBIT D



All Products

Shop All Depar

your location: **San Francisco, CA 941**

# Target Weekly Ad

[Broadband](#) | [Dial-Up](#)

[MY IN-STORE SHOPPING](#)

[HOME](#)

[THIS WEEK'S AD](#)

[VIEW BY CATEGORY](#)

Search Weekly Ad

PAGE 1 of 5 [next](#)

## Home

- 
- All Products (241)
- Candy (6)
- Electronics (24)
- Entertainment (80)
- Fashion (18)
- Garden Place (9)
- GiftCard offers (5)
- Home (32)
  - Bath
  - Bed
  - Furniture
  - Home Decor
  - Kitchen
  - Lighting
  - Storage
  - Vacuums
  - Window Coverings
- Hot Buys (8)
- Menswear (5)
- Snacks & Essentials (48)
- Sporting Goods (9)
- Womenswear (10)

bath

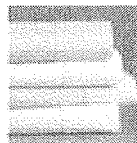


**\$9 EACH**  
FIELDCREST® BATH TOWEL

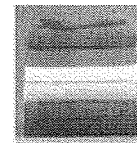
bed



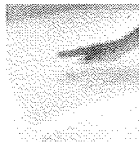
**\$49**  
FIELDCREST® CLASSIC TWIN  
DUVET



**\$29<sup>99</sup> ANYSIZE**  
HOME 800 THREAD COUNT



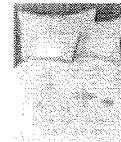
**\$14<sup>99</sup> ANYSIZE**  
HOME JERSEY KNIT SHEET SE



**39<sup>99</sup> TOPPER**  
MEMORY FOAM



**\$19 ANY SIZE**  
NICK & NORA™ SHEET SET



**\$24 TWIN SHEET SET**  
SIMPLY SHABBY CHIC™ KIDS  
BEDDING



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# EXHIBIT E



# Target Weekly Ad

in-store this week: March 18-24, 2007



## description

### MEMORY FOAM SALE \$39.99 TOPPER

Twin 1 1/2" thick mattress topper  
conforms to your shape.

- All other Memory Foam 1 1/2" toppers  
also on sale.

## items

MEMORY FOAM twin 1 1/2" thick  
mattress topper

\$39.99

All other Memory Foam 1 1/2" toppers  
also on sale

# EXHIBIT F

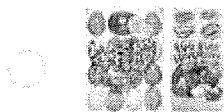
close

# Target Weekly Ad

in-store this week. March 18-24, 2007



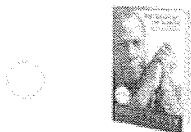
## MY IN-STORE SHOPPING LIST



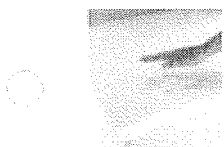
**EASTER EGG HUNTING**  
**2 for \$9**



**Babel DVD**  
**\$14.99**



**Sidney Poitier - The Measure of a Man: A Spiritual Autobiography**  
**\$11.96**



**MEMORY FOAM**  
**SALE \$39.99 TOPPER**

Target Stores in Your Area:

**Target**

5001 Junipero Serra Blvd  
Colma, CA  
650-992-8433

**Target**

133 Serramonte Ctr  
Daly City, CA  
650-755-2393