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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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,
22 and BRUCE F. SEXTON, on behalf of himself
23 and all others similarly situated,

Plaintiffs,

v.

TARGET CORPORATION

Defendant.

Case No.: C 06-01802 MHP

CLASS ACTION

**DECLARATION OF DR. JAMES W.
THATCHER IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL BRIEF
REGARDING STATE LAW CLAIMS**

Hearing Date: May 1, 2007

Time: 2:00 PM

Judge: The Hon. Marilyn Hall Patel

1 I, James W. Thatcher, declare as follows:

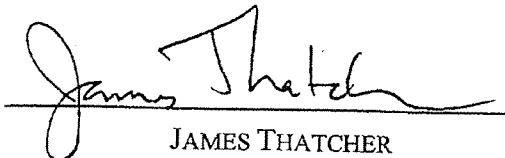
- 2 1. The facts in this declaration are based on my personal knowledge. If called to testify, I
3 could testify competently to the facts described in this declaration.
- 4 2. I have been asked by Plaintiffs' counsel to provide a brief summary of the development
5 of screen access technology and web accessibility guidelines, with a particular focus on
6 the four basic accessibility elements that were missing from target.com when I evaluated
7 the website in 2005.
- 8 3. As described in my earlier declarations in this case, I have been deeply involved with
9 both the development of screen access technology and issues related to internet and
10 computer access for the blind for many years.
- 11 4. The first screen access technology was developed in approximately 1978, even before the
12 development of the PC. The first commercially-sold screen access technology for the PC
13 appeared on the market during the early 1980s. In the late 1980s, graphics and images
14 began to appear on computer screens in addition to text. By the early 1990s, screen
15 access technology that allowed blind users to interact with graphics and images was
16 commercially available and widely used.
- 17 5. By the mid 1990s, as the internet became more developed and more popular, the World
18 Wide Web Consortium (W3C) began to develop guidelines for website accessibility. The
19 first version of the Web Content Accessibility Guidelines (WCAG) was finalized in May
20 1999. Around the same time, the U.S. Access Board was developing website
21 accessibility standards pursuant to Section 508 of the Rehabilitation Act. Those
22 standards were also finalized in 1999.
- 23 6. The original WCAG guidelines and Section 508 standards were very similar. Both
24 required the four basic accessibility elements that were the focus of my expert testimony
25 earlier in this case; namely, text equivalents for images, labeling for forms, techniques for
26 in-page page navigation, and keyboard access.
- 27 7. As documented in my earlier expert report and declaration in this case, when I evaluated
28 the accessibility of target.com in 2005, I found that the website was riddled with
accessibility problems, and that it failed miserably with respect to the four basic
accessibility elements described above. The technologies required to implement the four

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basic accessibility elements were available and well known by 1999, when I understand Target launched target.com. By 2005, the relevant guidelines and standards (both WCAG and Section 508) had been in place for several years, and the technologies required to implement the four basic accessibility elements had long been available and were widely used.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of April , 2007.


JAMES THATCHER

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