

1 ROBERT A. NAEVE (CA SBN 106095)  
RNaeve@mofocom  
2 MORRISON & FOERSTER LLP  
1990 MacArthur Blvd.  
3 Irvine, California 92612-2445  
Telephone: 949.251.7500  
4 Facsimile: 949.251.0900

5 DAVID F. MCDOWELL (CA SBN 125806)  
SARVENAZ BAHAR (CA SBN 171556)  
6 MICHAEL J. BOSTROM (CA SBN 211778)  
DMcDowell@mofocom  
7 SBahar@mofocom  
MBostrom@mofocom  
8 MORRISON & FOERSTER LLP  
555 West Fifth Street, Suite 3500  
9 Los Angeles, California 90013-1024  
Telephone: 213.892.5200  
10 Facsimile: 213.892.5454

11 STUART C. PLUNKETT (CA SBN 187971)  
SPlunkett@mofocom  
12 MORRISON & FOERSTER LLP  
425 Market Street  
13 San Francisco, CA 94105-2482  
Telephone: 415.268.7000  
14 Facsimile: 415.268.7522

15 Attorneys for Defendant  
TARGET CORPORATION

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

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

22 Plaintiffs,

23 v.

24 TARGET CORPORATION,

25 Defendant.  
26

Case No. C06-01802 MHP

**DECLARATION OF CHRIS POLK IN  
SUPPORT OF TARGET  
CORPORATION'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: July 24, 2006  
Time: 2:00 p.m.  
Judge: The Honorable Marilyn Hall Patel

27  
28  
DECLARATION OF CHRIS POLK  
(Case No. 06-01802 MHP)  
la-863217

**DECLARATION OF CHRIS POLK**

1  
2 I, Chris Polk, have personal knowledge of the facts set forth below, and if called as a  
3 witness, I could and would testify under oath to the following:

4 1. I am 32 years old, and live in Sacramento, California. I have been blind since  
5 birth.

6 2. I am employed as the Network Administrator for Humanware USA, Inc., a  
7 company that designs, manufactures and distributes Personal Digital Assistant products  
8 ("PDA's") for the sight-impaired community. I have worked at Humanware for more than 2  
9 years.

10 3. I have been using computers since the early 1990's. I use various forms of  
11 Assistive Technology, including JAWS For Windows, WindowEyes, and Speak Up. Assistive  
12 Technology refers to the computer hardware and software that assists sight-impaired  
13 individuals to access and use computers. Examples of Assistive Technology include computer  
14 integrated Braille displays, scanning software, note takers and screen readers, such as JAWS  
15 For Windows ("JAWS"). A screen reader is a software product that audibly reads the content  
16 of a computer screen using a speech synthesizer.

17 4. On or about May 13, 2006, I accessed Target.com with the intention of  
18 navigating the web site and purchasing merchandise. This was not my first visit to  
19 Target.com. I have visited Target.com in the past to use the "Store Locator" function to find  
20 the location of a Target retail store in my area, and to pre-shop for products and merchandise  
21 before visiting a store.

22 5. I spent a little more than an hour on Target.com using both JAWS version 7.0  
23 and WindowEyes to explore the various functions and features on the website. I was able to  
24 access Target.com, navigate the various links on the site, and search for specific products. I  
25 conducted searches on Target.com by category and department, and was able to find the  
26 specific products I was searching for. In addition, I was able to review product descriptions,  
27 verify prices, add my product selections to the Target.com virtual shopping cart, and remove  
28

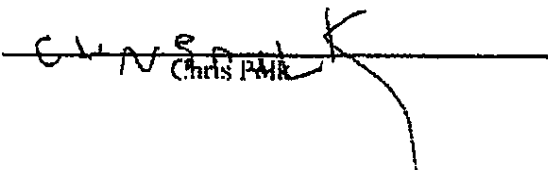
1 items from the shopping cart that I later chose not to purchase. I was also able to complete my  
2 purchase using my credit card on Target.com's checkout page.

3 6. I had little or no difficulty navigating and using the features on the site. When I  
4 did encounter an obstacle, or when a process was unclear, I was able to work around the  
5 obstacle using my screen reader.

6 7. As a blind person, I enjoy Target.com because it allows me to view product  
7 descriptions, and shop with a degree of privacy. I will use Target.com again. I would also  
8 recommend Target.com to my sight-impaired friends as I believe the site is easy to use and  
9 helpful.

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

12 Executed this 9th day of June 2006, at Sacramento, California.

13  
14   
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF CHRIS POLK (Case No. 06-01802 MHP)  
la-863217