

NOTICE OF CLASS ACTION LAWSUIT

TO ALL LEGALLY BLIND INDIVIDUALS
WHO HAVE ATTEMPTED TO ACCESS TARGET.COM SINCE FEBRUARY 7, 2003:

A lawsuit has been brought against Target Corporation concerning the Target.com website. In the lawsuit, Plaintiffs allege that Target.com has, during the period of time covered by the lawsuit, failed to contain features needed by blind customers who use screen access software to access websites. Plaintiffs allege that U.S. and California law require websites such as Target.com to be accessible to the blind. Target Corporation disputes this and alleges that it has not violated any federal or state laws relating to its website.

The lawsuit, *National Federation of the Blind v. Target Corp.* (Case No. 06-01802 MHP), is proceeding as a class action in the United States District Court for the Northern District of California before Judge Marilyn Hall Patel. The Court has certified the following two classes: (1) a nationwide class for claims under the Americans with Disabilities Act (“ADA”); and (2) a California class for claims under two California state civil rights laws – the Unruh Civil Rights Act and the Disabled Persons Act. The time period covered by the case runs from February 7, 2003 to the conclusion of the lawsuit.

Plaintiffs allege that during the time period covered by the case, Target Corporation failed to make its website accessible to the blind by, among other things:

1. Failing to provide labels for pictures and other images that can be read by screen access software (these labels are called “alt tags” by web designers);
2. Failing to ensure that all functions can be performed with a keyboard and not just a mouse;
3. Failing to ensure that forms for website visitors to fill-out on-line are labeled in ways the screen access software can recognize;
4. Failing to include marked headings within each page that can be recognized by screen access software so that blind people can easily navigate the site.

Plaintiffs acknowledge that defendant has made improvements to the subject website subsequent to the filing of the lawsuit but contend that further improvements are needed. Defendant Target Corporation denies all of the allegations made by Plaintiffs in this case and contends that Target has made its goods and services accessible to the blind by alternative means other than the target.com website.

Plaintiffs in the lawsuit are seeking injunctive relief under federal and California law requiring Target Corporation to make and keep its website fully accessible to the blind. The federal ADA does not provide a damage remedy for cases such as this lawsuit. The California statutes, however, do provide for damage remedies including statutory minimum damages in the amount of \$4,000 per offense (Unruh Act) or \$1,000 per offense (Disabled Persons Act). The California statutes also allow for the award of actual damages instead of the statutory minimum damages, as well as punitive damages in

appropriate cases for the purpose of punishing a defendant. Plaintiffs in this case are only seeking the statutory minimum damages for each member of the California class.

If you are a legally blind individual in the United States who has attempted to access Target.com during the time period covered by the case and as a result have been denied access to the enjoyment of goods and services offered in Target stores, then you are a member of the nationwide ADA class. As a member of the ADA class, you have the following options:

1. You may choose to do nothing in which case you will be bound by future orders and rulings in this lawsuit regarding access to Target.com;
2. You may seek to intervene in the case directly on your own behalf or through an attorney that you hire to represent you.

If you are a legally blind individual in California who has attempted to access Target.com during the time period covered by the class, you are a member of the California class. As a member of the California class, you may choose one of the two options listed above. In addition, you also have the choice to opt out of the damages portion of the case. If you choose to opt out, you will not be awarded any statutory damages from this lawsuit. However, if you opt-out you will preserve any rights you would otherwise have to sue Target Corporation for statutory minimum damages or actual damages plus punitive damages up to three times the amount of actual damages.

If you are a member of the California class and wish to opt of the damages portion of the case, you must either:

1. Send a written and signed request to the the Opt-out Administrator stating that you have received the notice regarding this lawsuit alleging that target.com is not accessible to the blind and that you wish to opt out of the damages portion of the lawsuit. Written requests to opt-out must be sent to the Opt-out administrator at [INSERT CONTACT INFO]; or
2. Visit www.targetlawsuit.com and follow the instructions for requesting to opt out of the damages portion of the case.

All requests to opt out submitted by mail must be postmarked by [INSERT DATE] to be effective. All requests to opt-out made through www.targetlawsuit.com must be submitted by [INSERT DATE] to be effective.

The Court has appointed the following attorneys to represent the nationwide and California classes:

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You may contact any of these class counsel for more information about this lawsuit. You may also find out information about this lawsuit, including information about the opt-out procedures, by visiting www.targetlawsuit.com.

You may also consult the documents in the public file of this lawsuit, which is available from the United States District Court, Clerk's Office, 450 Golden Gate Avenue, San Francisco, CA. 94102. Please call the Clerk's Office at (415) 522-2000 for information regarding hours and procedures for reviewing the public file. Please do not contact Judge Patel directly.

It is so ordered.

Dated: _____

MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE