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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

25 TARGET CORPORATION,

26 Defendant.

Case No.: C 06-01802 MHP

CLASS ACTION

**DECLARATION OF TERRI
 UTTERMOHLEN IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Hearing Date: June 12, 2006
 Time: 2:00 p.m.
 Judge: The Honorable Marilyn Hall
 Patel

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1 I, Terri Uttermohlen, 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 **Background**

- 5 2. I am 45 years old.
- 6 3. I have been legally blind since 1975 and totally blind since 1983.
- 7 4. I reside in Baltimore, Maryland.
- 8 5. I have been a member of the National Federation of the Blind since 1996.

9 **Internet Use**

- 10 6. I have used a computer since 1989.
- 11 7. I have used the screen reading software "JAWS" to access computers and, especially, the
12 internet for nine years. Before that, I used different screen access software.
- 13 8. I use the internet every day for a variety of functions and activities in my daily life,
14 including: email, technical research, information gathering, shopping for groceries and pharmacy
15 products, pet food, travel planning, airline tickets, airline check-in, and consumer research.
- 16 9. I consider myself a fairly sophisticated user of computers and the internet.
- 17 10. I also utilize the internet for work. I provide training and technical assistance on federal
18 disability programs. I must research work-related questions frequently on the internet.
- 19 11. I often shop online rather than go to a physical store because I find it significantly easier
20 to do so. Particularly for items like groceries, shopping online allows me to read product
21 information like labels that I would not be able to read in a store without assistance. Because my
22 husband is also blind, shopping online saves us the cost of using taxis to get to and from the
23 store, as well as saving us time and energy.
- 24 12. Using my screen reader to access the internet has significantly improved my own view of
25 my independence to conduct personal business without the help of others.

26 **Experience with Target Retail Stores**

27 13. I have shopped at a Target store that is about 10 miles from my home.
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1 14. For me, shopping at Target’s physical location near my home requires finding a friend to
2 drive me there or paying for a taxi, which generally costs about \$25 to that location. When there,
3 I need assistance from a friend, or a Target employee, to find what I need.

4 **Harms Experienced Because of the Inaccessibility of Target.com**

5 15. I would like to shop at Target.com because traveling to the physical retail location
6 necessitates a significant expense of time, energy, and money. It also means that I must depend
7 on others to provide direction and product information. Unlike my experience in the store, I can
8 access price, color, and other product information autonomously from accessible websites.

9 16. I have attempted unsuccessfully on numerous occasions to access Target.com with my
10 screen reader.

11 17. I often come to Target.com through searches I conduct on Google.com when looking for
12 products I wish to purchase. I would like to use the information on Target.com in order to
13 compare prices and product information with other information I find on different sites.

14 18. Most recently, I searched on Google.com for places to purchase a grill, grilling tools, and
15 gloves for my husband. When I completed this search, pages on Target.com were popular search
16 results. However, I found it impossible both to read product descriptions and to complete any
17 purchase on Target.com.

18 19. I have found it extremely difficult, and at times impossible, to browse for products on
19 Target.com using my screen reader. I have avoided the site because of the poorly labeled
20 graphics and the site’s inaccessibility.

21 20. Upon accessing Target.com on several occasions, I have become frustrated with
22 inexplicable code and garbled text that has prevented me from continuing to navigate through the
23 site, and I have never navigated past the home page except on the occasions I found a direct link
24 through Google.com. When I get there, I back out as soon as I realize that I won’t be able to
25 access the site successfully. Even though Target may have good prices, or good products, I am
26 barred from purchasing from them online.

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1 21. I have been told that there are many useful store-related features on the Target.com
2 website, including weekly advertisements, an online pharmacy, and photo printing, which I
3 would like to use.

4 22. I have found the entire process of attempting to access Target.com to be extremely
5 frustrating and aggravating.

6 23. If Target.com were an accessible website I would frequently visit the website and make
7 purchases at the website. I prefer Target to many other discount stores because of the quality of
8 the products they carry.

9 24. My inability to use Target.com either causes me to lose the option of shopping at Target,
10 or forces me to rely on others. I would shop there much more frequently if Target were
11 accessible online.

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

14 Executed this April day of 27, 2006, at Baltimore, Maryland.

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18 _____
19 TERRI UTTERMOHLEN
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