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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 MARC MAURER 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, Marc Maurer, 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 2. I am legally blind.

5 3. I was graduated from University of Notre Dame with a Bachelor of Arts Degree with
6 honors in 1974 and a Doctor of Jurisprudence from the University of Indiana School of Law in
7 1977.

8 4. I am a member of the bars of Indiana, Ohio, Iowa and Maryland and the Supreme Court
9 of the United States. Since 1986, I have served as the President of the National Federation of the
10 Blind. I have received the United States Presidential Medal for Leadership, the Robert Dole
11 Award, and honorary doctorates from the University of Louisville and Menlo College.

12 5. The National Federation of the Blind ("NFB") is the oldest and largest national advocacy
13 organization of blind persons in the United States. The vast majority of its approximately 50,000
14 members are blind persons. The NFB is widely recognized by the public, Congress, executive
15 agencies of government and the courts as a collective and representative voice on behalf of blind
16 Americans and their families. Its purpose is to promote the general welfare of the blind by (1)
17 assisting the blind in their efforts to integrate themselves into society on equal terms and (2)
18 removing barriers and changing social attitudes, stereotypes, and mistaken beliefs that sighted
19 and blind persons hold concerning the limitations created by blindness and that result in the
20 denial of opportunity to blind persons in virtually every sphere of life.

21 6. The explosion of technology, especially information technology, has been boon and bane
22 for the blind. Technology has enabled access in many instances. For example, developments in
23 digital technology made it possible for the NFB to establish in 1994, NFB-Newsline®, a service
24 that provides the blind the ability to browse over 200 newspapers and periodicals every day via
25 touch-tone telephone. At the same time, new technology that could be accessible to the blind is
26 often unnecessarily developed in inaccessible formats. This isolates the blind unnecessarily.
27 Consequently, the NFB has taken an active role in (1) promoting and developing access
28 technologies, (2) raising awareness and educating technology developers as to the need for and

1 methods of enabling access and (3) using litigation, when necessary, as an advocacy tool to
2 strengthen awareness in certain industries that access is a right guaranteed by law. In pursuit of
3 these goals, the NFB established the International Braille and Technology Center in 1990 for
4 research and experimentation of technological products for the blind and has now hosted four
5 international conferences on technology for the blind.

6 7. A continuing concern of our membership has been access to the internet. On May 5,
7 2005, a letter, attached hereto as Exhibit A, was sent by my attorneys, at my direction, to Target
8 Corporation, advising them of the inaccessibility of the web site, and our desire to negotiate a
9 resolution of the issue. Although I entered into a structured negotiation and tolling agreement
10 with Target Corporation and agreed to extend it twice, negotiations proved fruitless and the
11 agreement was allowed to expire.

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

14 Executed this 3rd day of May, 2006, at Baltimore, Maryland.

15
16
17 
18 MARC MAURER

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Exhibit A



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Corporation on Disabilities and Telecom.

May 5, 2005

Mr. Robert J. Ulrich
Chairman & Chief Executive Officer
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

Re: Inaccessible Website

Dear Mr. Ulrich,

ATTORNEYS & MANAGEMENT

- Laurence Paradis
Executive Director
- Sid Wolinsky
Litigation Director
- Melissa Kasnitz
Managing Attorney
- Caroline Jacobs
Senior Staff Attorney
- Stephen Tollafeld
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- Roger Heller
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We are writing on behalf of the National Federation of the Blind, a nation-wide organization of blind citizens that advances the rights of its members. The NFB is concerned about its members' inability to use the Target website (<http://www.target.com>) with adaptive software known as screen readers. The complaints include the presence of a large amount of information and interactive features contained in the website that are not made accessible to screen-reading software. After extensive technical analysis and user testing, we have determined that the Target website fails to comply with even the minimum standards of website accessibility.

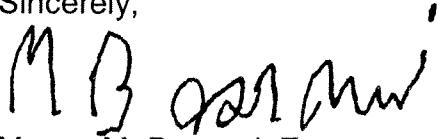
Title III of the Americans with Disabilities Act requires that places of public accommodation not discriminate against people with disabilities in their goods and services. This obligation entails the construction and maintenance of commercial websites in a manner accessible to all persons including persons who are blind.

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We prefer, if possible, to resolve this matter through negotiation. Accordingly, if Target Corporation is willing to sit down with us to negotiate changes in company policies and practices to rectify the inaccessibility of its website, we are pleased to meet with you for that purpose. If you are willing to meet with us and representatives from the NFB for this purpose, please let us know by June 6, 2005. If we do not hear from you by that time, and if we find the Target website to remain inaccessible, then we will consider alternative action, including litigation. Thank you for your earliest attention to the above matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M B Basrawi". The letters are cursive and somewhat stylized.

Mazen M. Basrawi, Esq.

cc: Laurence W. Paradis, Esq.
Daniel Goldstein, Esq.