

1 LAURENCE W. PARADIS (California Bar No. 122336)
 lparadis@dralegal.org
 2 MAZEN M. BASRAWI (California Bar No. 235475)
 mbasrawi@dralegal.org
 3 DISABILITY RIGHTS ADVOCATES
 2001 Center Street, Third Floor
 4 Berkeley, California 94704
 Telephone: (510) 665-8644
 5 Facsimile: (510) 665-8511
 TTY: (510) 665-8716

6 TODD M. SCHNEIDER (California Bar No. 158253)
 tschneider@schneiderwallace.com
 7 JOSHUA KONECKY (California Bar No. 182897)
 jkonecky@schneiderwallace.com
 8 SCHNEIDER & WALLACE
 180 Montgomery Street, Suite 2000
 San Francisco, CA 94104
 10 Telephone: (415) 421-7100
 Fax: (415) 421-7105
 11 TTY: (415) 421-1655

12 DANIEL F. GOLDSTEIN (*pro hac vice*)
 dfg@browngold.com
 13 BROWN, GOLDSTEIN & LEVY, LLP
 120 E. Baltimore St., Suite 1700
 14 Baltimore, MD 21202
 Telephone: (410) 962-1030
 15 Fax: (410) 385-0869

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 BOB AYALA IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR PRELIMINARY INJUNCTION**

Hearing Date: June 12, 2006

Time: 2:00 p.m.

Judge: The Honorable Marilyn Hall
 Patel

DISABILITY RIGHTS ADVOCATES
 2001 CENTER STREET, THIRD FLOOR
 BERKELEY, CALIFORNIA 94704-1204
 510.665.8644

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1 I, Bob Ayala, 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 55 years old.

6 3. I reside in Nashua, New Hampshire.

7 4. I was born with retinitis pigmentosa and I have been legally blind since I was 16 years
8 old.

9 **Internet Use**

10 5. I have used a computer since 1994.

11 6. I have used the screen reading software "JAWS" to access computers and, especially, the
12 internet since 2000.

13 7. I use the internet every day for a variety of functions and activities in my daily life,
14 including: browsing, email, shopping, and research for work.

15 8. I shop online rather than go to a physical store because I find it significantly easier to do
16 so. To go to a physical store, I must schedule a time with my wife to go to the store.

17 9. It is significantly more convenient for me to use the internet to shop than to try to go
18 shopping at physical stores.

19 10. Using my screen reader to access the internet has significantly improved my own view of
20 my independence to conduct personal business without the help of others.

21 **Experience with Target Retail Stores**

22 11. I have shopped at several Target stores that are within 15 minutes of my house.

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

24 12. I would like to shop at Target.com because traveling to the physical retail location
25 necessitates a significant expense of time, energy, and money.

26 13. I have attempted to access Target.com with my screen reader.

27 14. I have found it extremely difficult, and at times impossible, to browse for and purchase
28 products on Target.com using my screen reader.

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1 15. Upon accessing Target.com on several occasions, I have become frustrated with
2 inexplicable code and garbled text.

3 16. In December 2005, two of my friends were getting married and were registered at Target.
4 I went to Target.com to purchase a gift for them; however I found the site inaccessible and so
5 frustrating that I had to find time to go to the physical store in person. This occurred during the
6 Christmas rush and my wife, who works in retail sales, found it difficult to find the time to go to
7 Target in person, thus she had asked me to try and take care of it online. Also, we have other
8 friends getting married on May 6, 2006 who are also registered at Target and find ourselves in
9 the same predicament.

10 17. I first visited Target.com about two years ago after hearing about a specific pepper
11 grinder product on the National Public Radio cooking program "The Splendid Table." Since
12 Target was one of the program's sponsors, I went to the site assuming they might carry the
13 grinder. I found the site to be inaccessible to my screen reader, as it would only announce strings
14 of numbers and letters that were unintelligible. I became so frustrated that I gave up looking for
15 the product.

16 18. I attempted to access the weekly advertisements page on Target.com. However I found
17 that I was unable to access the page correctly with my screen access software.

18 19. I have been told that there is also a baby registry on Target.com in addition to the
19 wedding registry, and if the site were accessible I would much prefer using those features to
20 traveling to the physical stores in order to purchase gifts.

21 20. I have found the entire process of attempting to access Target.com to be extremely
22 frustrating and discouraging.

23 21. If Target.com were an accessible website I would visit the website and make purchases at
24 the website.

25 22. My inability to use Target.com thwarts my independence and forces me to rely on others
26 unnecessarily.


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

Executed this ^{May} ~~April~~ day of 3rd, 2006, at Nashua, New Hampshire.



BOB AYALA

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Berkeley, CA 94704-1204
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