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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**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 TIM ELDER IN**  
**SUPPORT OF PLAINTIFFS' MOTION**  
**FOR PRELIMINARY INJUNCTION**  
  
Hearing Date: June 12, 2006  
Time: 2:00 p.m.  
Judge: The Honorable Marilyn Hall  
Patel

27  
28

1 I, Tim Elder, 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 26 years old.
- 6 3. I reside in Palo Alto, California.
- 7 4. I have been legally blind since 2004.

8 **Internet Use**

9 5. I have used the screen reading software "JAWS" to access computers and, especially, the  
10 internet for at least six months.

11 6. I use the internet every day for a variety of functions and activities in my daily life,  
12 including: email, shopping for groceries and other products, maintaining my own website,  
13 browsing and reference, and search functions.

14 7. I shop online rather than go to a physical store because I find it significantly easier to do  
15 so. To go to a physical store, I must arrange a ride with a friend or family member or use public  
16 transportation, which often does not get me within close enough proximity to a store to make  
17 such a trip worth the trouble.

18 8. In addition, when I shop online I can read product labels, descriptions, and price  
19 information that I would not be able to read at a physical place without assistance.

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

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

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

25 11. I have attempted on numerous occasions to access Target.com with my screen reader.

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

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13. Upon accessing Target.com on several occasions, I have become frustrated with inexplicable code and garbled text. I have attempted to purchase items at Target.com, but I was unable to complete a purchase using my screen access software.

14. I have been told that there are many useful store-related features on the Target.com website, including weekly advertisements and a wedding registry, which I would use if they were accessible.

15. Friends of mine were registered at Target's wedding registry, but I could not access the wedding registry page on Target.com and so I went to a different website to purchase a gift for them.


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

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

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

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

Executed this April day of 25, 2006, at Palo Alto, California.



TIM ELDER