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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 STEVE JACOBSON
 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, Steve Jacobson, 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 have been blind since birth.
- 7 4. I reside in Edina, Minnesota.
- 8 5. I have been a member of the National Federation of the Blind since 1972.

9 **Internet Use**

- 10 6. For thirty years, I have been employed in the computer field as a programmer and a
11 Systems Analyst on IBM mainframe computers and I have some experience with Teradata
12 hardware and databases as well.
- 13 7. Since the personal computer came into common use over twenty years ago, I have been
14 using one in conjunction with screen reading software used by blind people to access computers,
15 both on the job and at home.
- 16 8. I have been actively browsing the internet with screen access software for more than ten
17 years.
- 18 9. I use the internet for a variety of functions and activities in my life, including: performing
19 job functions, purchasing groceries, purchasing music and compact discs, and gathering
20 information.
- 21 10. I consider myself a fairly sophisticated user of computers and the internet.
- 22 11. I often shop online rather than go to a physical store because I find it significantly easier
23 to do so. Particularly for items like groceries, shopping online allows me to read product
24 information like labels that I would not be able to read in a store without assistance.
- 25 12. Using my screen reader to access the internet has significantly improved my own view of
26 my independence to conduct personal business without the help of others.

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Experience with Target Retail Stores

13. As a resident of the Twin cities area of Minnesota, my family frequently shops at Target stores. I have come to count on Target for quality products and low prices. In addition, the Target Corporation is regarded as a good corporate citizen of our state. As a regular Target shopper who is also blind, I have also been very interested in using the Target web site because of the ability to more easily browse and compare products and the convenience of having them delivered. My family has purchased some merchandise through the Target web site with the help of a sighted person.

Harms Experienced Because of the Inaccessibility of Target.com

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

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

16. Upon accessing Target.com on several occasions, I have become frustrated with inexplicable code and garbled text that has prevented me from continuing to navigate through the site.

17. In my experience, the Target web site contains a number of links and images that do not have labels that could clearly identify what they do, making access to the site nearly impossible.

18. My screen reader often shows a frame with an indication that the server is not found, even though the remainder of the page loads correctly. This information does not appear on the computer screen, as reported by sighted members of my household. I have never seen this behavior before as an experienced computer user.

19. There is yet another problem that is of the highest significance. On February 8, 2006, after searching for products and adding them to my cart, I proceeded to checkout using the "Proceed to Checkout" link. Once the next window appeared, though, I seem not to be able to

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1 progress further. The proceed to Checkout link remains on the screen, and it seemed logical that
2 accessing that link again would result in going on to the next step, but nothing happened. Again,
3 with the help of my daughter who has some vision, I discovered there is another button which is
4 labeled "Continue to checkout" that must be "clicked" to move on. My screen reader provides a
5 number of tools that lets me explore a web page. This second button did not appear in any form
6 when I looked for it with my screen reader. A screen reader can even read the text that is near
7 the mouse pointer, but even when my daughter placed the mouse pointer on the button, the
8 screen reader would not read the associated text or even identify that an unlabeled button was
9 present. I found no way of clicking on this button without having someone with vision
10 positioning the mouse pointer on it.

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

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

16 22. If Target.com were an accessible website I would frequently visit the website and make
17 purchases at the website. I prefer Target to many other discount stores because of the quality of
18 the products they carry.

19 23. My inability to use Target.com either causes me to lose the option of shopping at Target,
20 or forces me to rely on others.

21
22 I declare under penalty of perjury under the laws of the United States of America that the
23 forgoing is true and correct.

24 Executed this April day of 25, 2006, at Edina, Minnesota.

25 

26
27 STEVE JACOBSON