

1 ROBERT A. NAEVE (CA SBN 106095)
 RNaeve@mofocom
 2 MORRISON & FOERSTER LLP
 1990 MacArthur Blvd.
 3 Irvine, California 92612-2445
 Telephone: (949) 251-7500
 4 Facsimile: (949) 251-0900

5 DAVID F. MCDOWELL (CA SBN 125806)
 SARVENAZ BAHAR (CA SBN 171556)
 6 MICHAEL J. BOSTROM (CA SBN 211778)
 DMcDowell@mofocom
 7 SBahar@mofocom
 MBostrom@mofocom
 8 MORRISON & FOERSTER LLP
 555 West Fifth Street, Suite 3500
 9 Los Angeles, California 90013-1024
 Telephone: (213) 892-5200
 10 Facsimile: (213) 892-5454

11 STUART C. PLUNKETT (CA SBN 187971)
 SPlunkett@mofocom
 12 MORRISON & FOERSTER LLP
 425 Market Street
 13 San Francisco, CA 94105-2482
 Telephone: (415) 268-7000
 14 Facsimile: (415) 268-7522

15 Attorneys for Defendant
 16 TARGET CORPORATION

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

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

24 Plaintiffs,

25 v.

26 TARGET CORPORATION,

27 Defendant.

Case No. C06-01802 MHP

DECLARATION OF SUZANNE TRITTEN IN SUPPORT OF TARGET CORPORATION'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Date: July 24, 2006
 Time: 2:00 p.m.
 Judge: The Honorable Marilyn Hall Patel

DECLARATION OF SUZANNE TRITTEN

1
2 I, Suzanne Tritten, have personal knowledge of the facts set forth below, and if called
3 as a witness, I could and would testify under oath to the following:

4 1. I am 41 years old. I live in Oklahoma City, Oklahoma. I have been blind since
5 birth.

6 2. I am an Assistive Technology consultant, a computer trainer, and a Braille
7 translator. I provide these services to sight-impaired and sighted individuals. I also provide
8 my services to businesses. I have been providing these services for 8 years. In general,
9 Assistive Technology refers to computer hardware and software that assists sight-impaired
10 individuals access and use computers. Examples of assistive technology include computer
11 integrated Braille displays, scanning software, note takers and screen readers, such as JAWS
12 For Windows (“JAWS”), or WindowEyes. A screen reader is a software product that audibly
13 reads the contents of computer screens using a speech synthesizer.

14 3. I have been using computers since 1997, and various forms of Assistive
15 Technology, including JAWS For Windows, since 1997. I began using JAWS 2.0 on a
16 Windows 95 operating system. I currently use JAWS 7.0. My current computer is a Toshiba
17 Satellite 390 laptop computer with a Windows XP operating system. I believe I have a good
18 practical and working knowledge of both computers and Assistive Technology. In my
19 experience, an average JAWS user can usually navigate most websites.

20 4. On or about May 13, 2006, I accessed Target.com with the intention of
21 navigating the web site and purchasing merchandise. This was the first time I ever visited
22 Target.com. I spent a little more than two hours on Target.com exploring the various
23 functions and features on the website. Because this was my first visit to Target.com, I did run
24 into some initial confusion. For example, when I logged onto the Target.com home page, a
25 number of meaningless links appeared at the top of the page. After some brief exploration,
26 however, I found numerous meaningful links on the page. Once I realized that the page was
27 displaying identifiable content, I bypassed the initial problem, and was then able to navigate
28 the various links on the site, and search for specific products.

1 5. Specifically, I found a list of departments from the Target.com home page, and
2 looked through the various links to search for kitchen dishtowels. I found a link that said
3 “shop by room.” I accessed the link, went to the “kitchen” section, and entered a search for
4 “dishtowels.” The results page listed nine different categories relating to dishtowels. Included
5 were a number of different color, style and set options for me to choose from.

6 6. I also used the Target.com “Gift Finder” feature, which listed “Gifts By
7 Occasion.” I looked for a “Mothers Day Gifts” category. I did not find one, but I did find a
8 set of Mission Bell chimes for myself. While I initially had trouble with some of the forms
9 during the checkout phase, I found that I was able to complete them by switching between
10 JAWS “forms mode” and normal mode. I was then able to purchase the Mission Bell chimes.

11 7. I also found a 1-800 telephone number I could call if I had problems. I do not
12 usually like to use 1-800 numbers, and I did not call the 1-800 number Target.com offered, but
13 it was there if I felt I needed to use it.

14 8. I thought using Target.com was fun. I enjoyed browsing the products sold on
15 Target.com, and playing around with the “Gift Finder” feature. It was not difficult to access or
16 navigate the site. I was able to access different departments, review products, and find out all
17 sorts of details on product availability and return options. I usually have to do some groping
18 around the first time I visit a new website, but I did not have many difficulties at all on
19 Target.com. I believe Target.com is usable by sight-impaired individuals who have a basic to
20 intermediate competency with screen reader Assistive Technology like JAWS. I would use
21 Target.com again, and would recommend it to both my sighted and sight-impaired friends.

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

24 Executed this 10th day of June 2006, at Oklahoma City, Oklahoma.

25 
26 _____
27 Suzanne Tritten
28