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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 NATIONAL FEDERATION OF THE
17 BLIND, the NATIONAL FEDERATION OF
18 THE BLIND OF CALIFORNIA, on behalf of
19 their members, and Bruce F. Sexton, on behalf
20 of himself and all others similarly situated,

21 Plaintiffs,

22 v.

23 TARGET CORPORATION,

24 Defendant.

Case No.: C 06-01802 MHP

CLASS ACTION

DECLARATION OF DANIEL F.
GOLDSTEIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION

Date: April 12, 2007

Time: 2:30 p.m.

Judge: Honorable Marilyn H. Patel

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1 I, Daniel F. Goldstein, 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 have been a partner at the firm of Brown, Goldstein & Levy, LLP, a Baltimore law firm,
5 since its founding in 1984. I am serving as co-counsel for the Plaintiffs in this litigation.

6 3. I am a member of the Bars of the Court of Appeals of Maryland, the United States
7 District Court for the District of Maryland, the United States Supreme Court, and the United
8 States Courts of Appeal for the District of Columbia and the Fourth, Fifth, Sixth, Eighth and
9 Tenth Circuits, as well as the United States Court of Federal Claims.

10 4. I received an A.B. with Honors from Amherst College in 1960, and a J.D. with high
11 honors, from the University of Texas School of Law in 1973.

12 5. Upon graduation from law school I was a law clerk to the Honorable Frank A. Kaufman
13 of the U.S. District Court for the District of Maryland, and then briefly an associate in the
14 litigation department of the law firm Frank, Bernstein, Conaway & Goldman. I left Frank,
15 Bernstein in 1976 to serve as an Assistant United States Attorney for the District of Maryland,
16 where I prosecuted white collar crime, political corruption and two espionage cases involving
17 former CIA employees. In 1982, I set up a solo practice of law and two years later co-founded
18 the law firm now known as Brown, Goldstein & Levy, LLP. I enjoy the highest possible rating
19 ("av") from the Martindale Hubbell Lawyers Directory, representing "very high to pre-eminent
20 legal ability and very high ethical standards as established by confidential opinions from
21 members of the Bar."

22 6. I have considerable experience in ADA and disability-related litigation. In twenty years
23 of representing the National Federation of the Blind, I have, as the result of litigation, gotten the
24 agreement of AOL to make itself accessible to the blind, of Diebold, Inc., to manufacture, sell
25 and deploy audio accessible ATMs, and of Chevy Chase Bank to make its entire fleet of ATMs
26 voice guided. At the request of the Vermont Commission on Human Rights, we assisted in
27 securing agreements from the larger banks with Vermont branches to make all of their ATMs
28 accessible. Through suits filed in federal court in Maryland and Florida, I have secured

National Federation of the Blind, et al. v. Target Corporation, et al.

Case No.: C 06-01802 MHP

Declaration of Daniel F. Goldstein in Support of Plaintiffs' Motion for Class Certification 1

1 accessible voting machines for the blind for the State of Maryland and for Volusia County,
 2 Florida. I am currently representing the NFB and individual blind persons in a suit also brought
 3 by the Commonwealth of Massachusetts in the United States District Court for the District of
 4 Massachusetts against E*TRADE Bank and Cardtronics Corporation because their fleet of more
 5 than 25,000 ATMs are inaccessible to the blind. The motion to certify a class in that case will be
 6 heard on May 21, 2006. Other matters relating to the blind included a successful negotiation
 7 with Nassau Community College to admit a blind nursing student and litigation on behalf of a
 8 blind mother in Georgia and a blind custodial grandmother in Alabama to secure their rights as
 9 parents in the face of assertions that blindness disabled them from that role.

10 7. I have handled other significant civil rights matters. As lead Plaintiff's counsel in
 11 *Mahone v. Ashton*, 10-C-1991-2984L, in the Circuit Court for Frederick County, I secured a
 12 settlement in which the Frederick Police Department, Maryland, which had never in its history
 13 had more than one African-American officer at a time in a force of nearly 100 agreed to an
 14 affirmative action plan to achieve parity with the demographics of the metropolitan hiring area.
 15 As lead Plaintiffs' counsel in *Diggs v. Housing Authority*, 67 F.Supp.2d 522 (D. Md. 1999), I
 16 secured an injunction in the federal court in Maryland against a policy by which the Housing
 17 Authority authorized the local police to cite for trespass any visitors to public housing. I have
 18 also represented fair housing organizations and individual African-Americans in successful suits
 19 against apartment complexes under the Fair Housing Act. I also defended 23 rabbis, protesting
 20 the treatment of Soviet Jews, who were charged with congregating within 50 feet of the Soviet
 21 Embassy in the District of Columbia pursuant an ordinance declared unconstitutional by the
 22 Supreme Court while the convictions were on appeal.

23 8. Brown, Goldstein & Levy, LLP is widely considered to be Maryland's leading public
 24 interest and civil rights firm. It has been honored as Maryland's "Pro Bono Firm of the Year"
 25 and received the "Outstanding Achievement Award in the Field of Fair Housing" from the
 26 Washington Lawyers' Committee for Civil Rights. In that regard, our firm has acted as counsel
 27 in efforts to establish group homes for persons with disabilities in the face of active community
 28 resistance, *see, e.g., Skipper v. Hambleton Meadows Architectural Review Committee*, 996 F.

National Federation of the Blind, et al. v. Target Corporation, et al.

Case No.: C 06-01802 MHP

Declaration of Daniel F. Goldstein in Support of Plaintiffs' Motion for Class Certification 2

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1 Supp. 478 (D. Md. 1998), and as lead counsel for the plaintiffs in the landmark case *Potomac*
2 *Group Home Corp. v. Montgomery Co., Md.*, 823 F. Supp. 1285 (D. Md. 1993). Our firm also
3 obtained the first judgment in the country under the Design & Construction requirements of the
4 Fair Housing Amendments Act. *Baltimore Neighborhoods, Inc., v. Rommel Builders, Inc.*, 3 F.
5 Supp. 2d 661 (D. Md. 1998), and 40 F. Supp. 2d 700 (D. Md. 1999). Our firm was lead counsel
6 in *Smith v. Flanagan*, Civil Action No. L-03-CV-2895 which resulted in the State of Maryland
7 re-vamping its paratransit system and agreeing to meet strict guidelines, as well as in *Reid v.*
8 *Glendening*, Civil Action No. AMD-96-2337 (D. Md.), which compelled the State of Maryland
9 and Baltimore City to bring the Circuit Court for Baltimore City into compliance with Title II of
10 the ADA. As a result of Voting Rights Act cases my firm has brought, African-Americans on
11 Maryland's Eastern Shore gained office in many local jurisdictions for the first time in history
12 (one of those cases was the first in the country to order cumulative voting as a remedy for voting
13 rights violations, see *Cane v. Worcester County, Md.*, 840 F. Supp. 1081 (D. Md.), *rev'd in part*
14 *and aff'd in part*, 35 F.3d 921 (4th Cir. 1994)), and a fired school superintendent not only won
15 significant monetary compensation for racial discrimination, but (at the jury's unanimous
16 recommendation) had a school renamed in his honor. The firm also won the largest verdict ever
17 for racially discriminatory advertising (over \$2 million). Other significant cases have included
18 successful constitutional challenges to the eviction of tenants without notice as part of
19 Maryland's tax sale process and to the state's flat tax on trucks as an unconstitutional burden on
20 interstate commerce on behalf of the American Trucking Association, the first "right-to-die" case
21 to receive Maryland appellate review, and the release by commutation or collateral relief of
22 seventeen women incarcerated for killing their batterers.

23 9. With respect to class actions, I have acted as counsel for the defense in such actions, most
24 recently on behalf of Deloitte & Touche (Netherlands) in the Royal Ahold multidistrict securities
25 fraud litigation. However, our firm has been lead counsel in class action litigation, such as
26 *Kashmiri v. Regents*, in which we secured a judgment, currently on appeal for more than 50,000
27 University of California students in an amount exceeding \$33 million and *Thompson v. HUD*, in
28 which the United States District Court for the District of Maryland has ruled that the HUD

1 segregated public housing for African-Americans in predominantly African-American
 2 neighborhoods. The remedy phase has been tried and the parties are awaiting a ruling.
 3 10. Plaintiffs' counsel are committed to litigating this case vigorously on behalf of the
 4 Plaintiff class to achieve systemic reform that will bring the Defendant's web site into
 5 compliance with state and federal law. Plaintiffs' counsel, supported by their respective firms,
 6 have the resources required to litigate this matter in a cost-effective, efficient and thorough
 7 manner.

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

10 Executed on January 30, 2007, at Baltimore, Maryland.

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 13 
 14 DANIEL F. GOLDSTEIN

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