

# **EXHIBIT D**

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16  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

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

23 Plaintiffs,

24 v.

25 TARGET CORPORATION,

26 Defendants.  
27  
28

Case No.: C 06-01802 MHP

CLASS ACTION

REPLY DECLARATION OF BRUCE F.  
SEXTON IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION

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1 I, Bruce F. Sexton, Jr., declare as follows:

2 1. The facts in this declaration are based upon my personal knowledge. If called to testify, I  
3 could testify competently to the facts described in this declaration.

4 **Experience Calling Target.com's 1-800 Number**

5 2. I understand that Target is suggesting that blind customers can use an 800 number  
6 when they encounter difficulty using Target.com. On or about Thursday, June 22, 2006, at  
7 approximately 1:00 am, I attempted to make a purchase using Target.com's 1-800 number. I  
8 found this phone service difficult to use and it did not enable me to browse as independently,  
9 easily or freely as I would like to be able on Target.com. I believe that Target.com's 1-800  
10 number is not an adequate substitute for the independence offered by shopping on an internet  
11 site which is fully and equally accessible.

12 3. During my previous visits to Target.com, I did not even know that there was an 800  
13 number to call for help. This number certainly was not prominently presented in any way to me  
14 as a blind visitor to Target.com. For the purposes of my June 22, 2006 phone call, I was given  
15 the number by my counsel in this litigation.

16 4. Since I was speaking on the phone with someone else, I could not multi-task the way that  
17 I would be able if I were using the internet. For example, I couldn't comfortably answer the door,  
18 answer the phone, check email, or send instant messages.

19 5. I was unable to browse through products by calling Target.com's 1-800 number as I  
20 would be able if I had full and equal access to Target.com. As a result, I was never made aware  
21 of many features available on Target.com, like the weekly specials. Instead, I was asked to be  
22 more specific about what I was looking for and was told that they couldn't help me look around  
23 for different products.

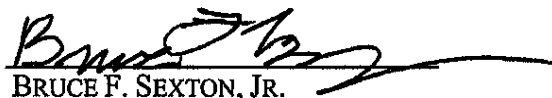
24 6. At one point, the operator suggested that I should go online and look at the products for  
25 myself. I had to explain that I was blind, which made me feel like less of a person because I  
26 couldn't use Target.com like most other people would. Later, it was suggested that if I wanted to  
27 browse for products, I should go to the library to use the internet with a sighted friend to assist  
28 me.

1 7. I could not go through the links at my own pace, but was hurried along throughout the  
2 process. Also, I was told that they could only spend a certain amount of time with me because  
3 the lines were getting busy, and that I would have to put a limit on the number of items I was  
4 purchasing at that time. As a result, I felt bad because I felt like I was wasting the operator's  
5 time. I also felt like if I were browsing through a certain category of items such as electronics, I  
6 felt obligated to purchase an item regardless of whether I had found something that I wanted,  
7 because I got the sense that the operator felt like his time was being wasted. Otherwise, if I were  
8 browsing for products online, I could freely look at different categories of products without  
9 feeling obligated to make a purchase after browsing.

10 8. For these reasons, I believe that Target.com's 1-800 number is a vastly inferior substitute  
11 for full and equal access to Target.com.

12  
13 I declare under penalty of perjury under the laws of the State of California that the  
14 forgoing is true and correct.

15  
16 Executed this July, day of 10, 2006, at Berkeley, California.

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20 BRUCE F. SEXTON, JR.

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