

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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THE AUTHORS GUILD, INC., et al.,	:	
<i>Plaintiffs,</i>	:	Case No. 11-cv-6351(HB)
v.	:	
HATHITRUST, et al.,	:	
<i>Defendants.</i>	:	
-----X		

**DECLARATION OF FREDRIC K. SCHROEDER**

I, Fredric K. Schroeder, declare as follows:

**QUALIFICATIONS AND EXPERIENCE**

1. This declaration is based on my personal knowledge. I am competent to testify on the matters stated and declare that these items are true and accurate to the best of my knowledge and belief. I hold the following opinions to a reasonable degree of professional certainty based on the facts presented to me.

2. I am currently employed as a Research Professor at San Diego State University where I am responsible for developing curricula in the area of rehabilitation administration leadership and policy development. I also serve as the University's principal liaison with Congress and the current administration on vocational rehabilitation issues. I have held this position since 2001.

3. From 2001 to 2002, I also served as Director of the Professional Development and Research Institute on Blindness, Louisiana Tech University where I was temporarily appointed to establish a new research and training institute on blindness and where I established a master's degree program in the education of blind children.

4. In 1994, I was appointed by President Clinton and confirmed by the Senate to serve as the Commissioner of Rehabilitation Services Administration for the U.S. Department of Education. I served in that position until 2001. As Commissioner, I served as the principal officer of the federal agency authorized to carry out specified portions of the Rehabilitation Act of 1973, as amended; the Randolph-Sheppard Act, as amended; and the Helen Keller Act. In addition to other tasks, I also provided executive leadership to the Rehabilitation Services Administration, establishing goals and objectives for serving individuals with disabilities, and developed standards, criteria, guidelines, and policies to provide direction in the administration of agency programs.

5. From 1986 to 1994, I served as Executive Director of the New Mexico Commission for the Blind where I had administrative responsibility for statewide services for the blind.

6. From 1981 to 1986, I served as the Special Education Low Incidence Coordinator for Albuquerque Public Schools, District Diagnostic Center.

7. In 1984, I was a Part-time Instructor of a course in Special Education Services for Children with Visual Impairments or Blindness at the University of New Mexico.

8. I have previously served as a Teacher of the Visually Impaired and as an Orientation and Mobility Instructor.

9. I have a Ph.D. in Education Administration and Supervision from the University of New Mexico, a Master of Arts in Special Education of the Physically Handicapped and Visually Handicapped from San Francisco State University, and a Bachelor's degree in Psychology from San Francisco State University.

10. I am also a blind consumer of assistive technology.

11. A copy of my curriculum vitae is attached as Exhibit A.

12. Throughout my career and education, I have gained extensive experience in determining appropriate literacy methods and accommodations for those who are blind and visually impaired, for both individuals and at the policy and administrative levels and thus have had frequent professional encounters with all of the factors reflected in paragraphs 13 through 19 below.

### **OPINION**

13. Low vision readers who access HDL scans using software that uses screen magnification and text-to-speech will not affect the market for large print because such readers typically cannot do sustained reading based solely on large print.

### **BASIS FOR OPINION**

14. My opinion is based upon the facts set forth below and upon my extensive experience working with blind and visually impaired individuals as set forth in paragraphs 2 through 12 above and Exhibit A hereto.

15. Many persons who qualify as legally blind, that is, have vision in one eye worse than 20/200 when corrected, but retain some vision, do not have the option of using large print on paper for sustained reading. Eye fatigue and nystagmus set in for many low vision readers if that reader tries to read only visually.

16. Thus, a number of software programs are offered that combine screen magnification with text-to-speech, so that low vision readers have both visual and audible input.

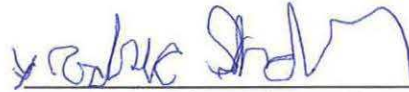
17. Low vision readers using such programs typically use the visual input to get the physical layout of the material, such as where a paragraph begins or end or whether a notation like "(a)" refers to a variable in an equation or the first of several answer choices.

18. Low vision readers using screen magnification software generally experience a high error rate – a particularly significant issue when the reading relates to academic material.

19. Access to large print alone, without accompanying audio, is inadequate for most low vision readers.

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

Dated: July 23, 2012



Fredric K. Schroeder