EXHIBIT A

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            1        TODD J. NEMOIR - 1.9.07
11:01       2     Q.   I will give you another explanation
11:01       3   that I neglected to give at the beginning.  If
11:01       4   your counsel objects, I'll still look at you to
11:01       5   get an answer, unless he actually instructs you
11:02       6   not to answer.  So he can object, but you still
11:02       7   have to answer, unless he -- unless he instructs
11:02       8   you not to answer.
11:02       9        Do you remember the question?
11:02      10        Do you want me to say it again?
11:02      11     A.   Please restate.
11:02      12     Q.   Okay.  Am I correct that -- that
11:02      13   Target.com is there not just for people to
11:02      14   purchase a product but also for customers to
11:02      15   browse an array of different products that are
11:02      16   advertised or put on the site?
11:02      17        MR. McDOWELL:  Same objection.
11:02      18        THE WITNESS:  Yes.
11:02      19   BY MR. KONECKY:
11:02      20     Q.   And it's there so that people can
11:02      21   browse for a variety of products?
11:02      22        Target.com is there so people can
11:02      23   browse for a variety of products without any
11:02      24   particular time limit or other pressure on them
11:03      25   to finish, is that correct?
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            1        TODD J. NEMOIR - 1.9.07
11:03       2        MR. McDOWELL:  Same objection.
11:03       3        THE WITNESS:  I don't know that
11:03       4   that's entirely accurate.
11:03       5   BY MR. KONECKY:
11:03       6     Q.   In what way is that not accurate?
11:03       7     A.   It -- it is not always the ultimate
11:03       8   strategy to make -- the efficiency of the guest
11:03       9   experience isn't always the ultimate strategy in
11:03      10   the way Target.com is designed.
11:03      11     Q.   But is -- is one of the strategies
11:03      12   with respect to Target.com's design to allow
11:03      13   customers to browse for products at their
11:03      14   leisure, either efficiently or without any
11:03      15   particular time pressure?
11:03      16        MR. McDOWELL:  Objection, beyond the
11:03      17   scope of the deposition, lacks foundation.
11:03      18        THE WITNESS:  Yeah.
11:03      19   BY MR. KONECKY:
11:03      20     Q.   Yes?
11:03      21     A.   Yes.
11:04      22     Q.   From sort of a descriptive or
11:04      23   logistical way of looking at it, how -- how does
11:04      24   an individual navigate through Target.com?
11:04      25        What do they have to do?
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            1        TODD J. NEMOIR - 1.9.07
11:04       2        MR. McDOWELL:  Objection, vague and
11:04       3   ambiguous.
11:04       4        THE WITNESS:  Can you specific to
11:04       5   what task the guest is trying to accomplish?
11:04       6   BY MR. KONECKY:
11:04       7     Q.   If a guest wants to navigate through
11:04       8   the products that might be available for sale at
11:04       9   either a Target store or on Target.com but using
11:05      10   Target.com in order to figure that information
11:05      11   out, what skills does that -- does the -- the
11:05      12   person using the website need to have in order
11:05      13   to figure out or perceive the information that's
11:05      14   provided on the website?
11:05      15        MR. McDOWELL:  Objection, lacks
11:05      16   foundation that any information on the website
11:05      17   has any bearing on what product is in Target
11:05      18   stores.
11:05      19        THE WITNESS:  I'm not specifically
11:05      20   involved in determining our Target guest and the
11:05      21   specific abilities that she might have.
11:05      22   BY MR. KONECKY:
11:05      23     Q.   Well, when -- you're involved in
11:05      24   designing the website to some degree, correct?
11:05      25     A.   Yes.
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            1        TODD J. NEMOIR - 1.9.07
11:05       2     Q.   Okay.  All right.  And when you
11:05       3   design the website, do you design it for people
11:05       4   with any particular skill level?
11:06       5     A.   None that I'm aware of.
11:06       6     Q.   There's no particular level of
11:06       7   Internet proficiency, for example, for which you
11:06       8   design Target.com's website, is that correct?
11:06       9     A.   Well, I -- I want to clarify.  We, as
11:06      10   part of Target, typically consider our -- our
11:06      11   core guest to be very educated and
11:06      12   technologically savvy, and that decision does go
11:06      13   into how we design certain components of our
11:06      14   experiences.
11:06      15     Q.   In order to be able to navigate
11:06      16   through the Target.com website, does somebody --
11:07      17   let me start that again.
11:07      18        Is the Target.com website designed so
11:07      19   that somebody has to be highly educated and
11:07      20   technologically savvy in order to navigate
11:07      21   through?
11:07      22        MR. McDOWELL:  Objection, lacks
11:07      23   foundation, beyond the scope.
11:07      24        THE WITNESS:  I don't think I'm the
11:07      25   best person to make that assessment.
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1   TODD J. NEMOIR - 1.9.07
11:07   2 BY MR. KONECKY:
11:07   3   Q.   Are you aware of -- of any
11:07   4 requirement in the design of Target.com for
11:07   5 users of any particular degree of education or
11:07   6 technological savvy in order to navigate through
11:07   7 the site?
11:07   8   A.   I'm sorry.
11:08   9   Could you repeat the question?
11:08 10   Q.   Sure.
11:08 11   MR. KONECKY: Could you read back the
11:08 12 question?
11:08 13   * * *
11:08 14   (Whereupon, the reporter read back
11:08 15   the requested portion of the record.)
11:08 16   * * *
11:08 17   THE WITNESS: There's not -- to the
11:08 18 best of my understanding, there's not a
11:08 19 particular education level or technological
11:08 20 ability that's dictated in any of the design
11:08 21 that we do.
11:08 22 BY MR. KONECKY:
11:08 23   Q.   Do you design Target.com so that it
11:08 24 is user friendly for the general public?
11:09 25   MR. McDOWELL: Objection, lacks

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1   TODD J. NEMOIR - 1.9.07
11:09   2 foundation, beyond the scope.
11:09   3   THE WITNESS: That is one of the
11:09   4 business objectives that it serves. That is not
11:09   5 the only one.
11:09   6 BY MR. KONECKY:
11:09   7   Q.   And does the business objective of
11:09   8 making Target.com user friendly apply to users
11:09   9 with both high and moderate and low levels of
11:09 10 experience with the Internet?
11:09 11   A.   I've not been involved in any of
11:09 12 those conversations -- any conversations with
11:10 13 regard to differentiating users at that point.
11:10 14   Q.   Am I correct that the Target.com
11:10 15 design does not change or differentiate
11:10 16 depending upon the particular Internet skill set
11:10 17 or education level of the user?
11:10 18   A.   The experience is the same for users
11:10 19 of all experience levels.
11:10 20   Q.   The experience on Target.com?
11:10 21   A.   Correct.
11:10 22   Q.   Let's stick with sighted users of
11:10 23 Target.com for a moment.
11:11 24   I take it if you're accessing
11:11 25 Target.com as a sighted user, in order to

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1   TODD J. NEMOIR - 1.9.07
11:11   2 navigate through it, you need to be able to
11:11   3 read, is that right?
11:11   4   A.   Yes.
11:11   5   Q.   Okay. And if you're using a mouse,
11:11   6 you need to be able to -- be able to move the
11:11   7 mouse and point and click, is that right?
11:11   8   A.   If you're using a mouse, yes.
11:11   9   Q.   Is there anything else you need to be
11:11 10 able to do as sighted user in order to navigate
11:11 11 through Target.com?
11:11 12   A.   I'm sorry. I -- the question's a bit
11:12 13 vague for me.
11:12 14   Q.   All right. In what way is it vague?
11:12 15   A.   I mean we assume that you're able to
11:12 16 process the information and understand and make
11:12 17 judgments as to what you might be interested in.
11:12 18   Q.   In terms of designing Target.com, at
11:12 19 least for sighted users, am I correct that it's
11:12 20 designed to be user friendly so long as the
11:12 21 person is able to read and process information
11:12 22 and use a mouse?
11:12 23   A.   The friendliness of the experience is
11:12 24 one of the components that we take into account
11:12 25 when designing an experience. It is not the

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1   TODD J. NEMOIR - 1.9.07
11:12   2 only one.
11:13   3   Q.   Okay. I understand it's not the only
11:13   4 one.
11:13   5   But is there anything else that a
11:13   6 sighted user needs in order to have a user
11:13   7 friendly experience on Target.com other than the
11:13   8 ability to read text and the ability to point
11:13   9 and click a mouse?
11:13 10   A.   I understand -- you asked the same
11:13 11 question. I still think it's vague. I mean
11:13 12 we're still making assumptions as to their --
11:13 13 the cognitive ability of the person to
11:13 14 understand the marketing messages we're
11:13 15 communicating. We're making assumptions about
11:13 16 the tools they have available to access the
11:13 17 site.
11:13 18   Q.   Well, when you design or when Target
11:13 19 designs the website, is there anything else that
11:14 20 Target puts in the design of the website which
11:14 21 would require, at least for sighted users,
11:14 22 anything other than the ability to read and the
11:14 23 ability to point and click a mouse in order to
11:14 24 have a user friendly experience on the website?
11:14 25   MR. McDOWELL: Objection, asked and

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TODD J. NEMOIR - 1.9.07

11:43 2   A.   I'm sure there is more, yes.
11:43 3   Q.   Is there anything else that you can
11:43 4 think of right now?
11:43 5   A.   No.
11:43 6   Q.   What about from moving from one page
11:43 7 to another on Target.com?
11:43 8   Is there anything that a sighted user
11:43 9 needs other than to be able to visually see the
11:43 10 -- the page and the link on the page and to be
11:43 11 able to mechanically use the mouse in order to
11:43 12 point and click on the link?
11:43 13   A.   No.
11:44 14   Q.   Are -- when -- when Target.com was
11:44 15 first designed, am I correct that it was not
11:44 16 designed with the particular needs of a blind
11:44 17 user in mind?
11:44 18   A.   I was not at the company when
11:44 19 Target.com was designed.
11:44 20   Q.   Looking at the design, particularly
11:44 21 prior to 2006, is it fair to say that it was a
11:44 22 design that was directed for sighted users as
11:45 23 opposed to blind users?
11:45 24   A.   The implementation of the design
11:45 25 would have been accomplished sticking to the

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TODD J. NEMOIR - 1.9.07

11:45 2 developer's existing guidelines which would have
11:45 3 provided direction to insure that the
11:45 4 functionality of the site was accessible by all
11:45 5 of our guests.
11:45 6   Q.   I'm correct that you've had to add or
11:46 7 would have to add features to the site in order
11:46 8 to make it -- in order to provide blind users
11:46 9 with the equivalent ease of use or the same
11:46 10 level of ease of use as sighted people?
11:46 11   MR. McDOWELL: Objection, vague and
11:46 12 ambiguous.
11:46 13   THE WITNESS: We've made changes to
11:46 14 the site to improve the guest experience for
11:46 15 people who use screen readers.
11:46 16 BY MR. KONECKY:
11:46 17   Q.   And these changes you've made since
11:46 18 you've been there?
11:46 19   A.   Correct.
11:46 20   Q.   Okay. Some time after March of 2006?
11:46 21   A.   Correct.
11:46 22   Q.   And prior to making those changes, am
11:46 23 I correct that in terms of perceiving the
11:46 24 information on the website or being able to move
11:46 25 through the website, that blind people or others

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TODD J. NEMOIR - 1.9.07

11:47 2 with vision disabilities that use screen access
11:47 3 software to not -- did not have equivalent ease
11:47 4 of use or the same level of ease of use on the
11:47 5 website?
11:47 6   A.   I wouldn't --
11:47 7   MR. McDOWELL: Objection, vague and
11:47 8 ambiguous.
11:47 9   Go ahead.
11:47 10   THE WITNESS: I wouldn't feel
11:47 11 comfortable making that assessment.
11:47 12 BY MR. KONECKY:
11:47 13   Q.   Do you disagree with that assessment?
11:47 14   MR. McDOWELL: Same objection.
11:47 15   THE WITNESS: I would need to give
11:47 16 that some more thought.
11:47 17 BY MR. KONECKY:
11:47 18   Q.   Sitting here today, as the person
11:47 19 most knowledgeable for Target on the subjects of
11:47 20 past efforts taken and contemplated efforts to
11:47 21 make Target.com accessible and/or usable by
11:48 22 people who are blind or visually impaired, would
11:48 23 you disagree with the statement that prior to
11:48 24 changes that are being implemented starting
11:48 25 March 2006 or some time shortly thereafter, that

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TODD J. NEMOIR - 1.9.07

11:48 2 blind individuals or individuals with vision
11:48 3 impairments that need screen access software
11:48 4 could not experience Target.com with the same
11:48 5 ease of use as sighted people?
11:48 6   MR. McDOWELL: Vague and ambiguous.
11:48 7   THE WITNESS: Again, you're making an
11:49 8 assessment that I don't feel comfortable with by
11:49 9 asking that question. I find it difficult to
11:49 10 exactly compare the two experiences and call one
11:49 11 easier to use than the other. They're different
11:49 12 experiences. They're different ways of
11:49 13 experiencing the same content.
11:49 14 BY MR. KONECKY:
11:49 15   Q.   Well, if there's no alternate text
11:49 16 attached to an image, then the blind user cannot
11:50 17 experience that content, is that correct?
11:50 18   A.   That's correct.
11:50 19   Q.   And that's true regardless of how
11:50 20 sophisticated the blind user is, right?
11:50 21   A.   Yes.
11:50 22   Q.   Or where the blind user is dialing in
11:50 23 from or connecting from, right?
11:50 24   A.   Correct.
11:50 25   Q.   And prior to March 2006, there have

22 (Pages 82 to 85)

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1   TODD J. NEMOIR - 1.9.07
13:31   2   these two people from University of Minnesota to
13:31   3   do a basic awareness training, done anything
13:31   4   else that you are aware of in order to identify
13:32   5   possible barriers or obstacles on Target.com
13:32   6   with respect to people who use screen access
13:32   7   software?
13:32   8   A.   We have sought out a multitude of
13:32   9   different sources for best practices as far as
13:32 10   improving guest experience and usability to help
13:32 11   guide future development and improve the guest
13:32 12   experience overall.
13:32 13   MR. KONECKY: Let me look at that
13:32 14   answer.
13:33 15   BY MR. KONECKY:
13:33 16   Q.   Has any of Target's efforts with
13:33 17   respect to seeking out a multiple -- multitude
13:33 18   of different sources to improve guest experience
13:33 19   specifically involved attempts to identify or --
13:33 20   identify potential barriers on the website for
13:33 21   people with vision disabilities, or identify
13:33 22   ways in which the website may or may not be
13:33 23   accessible to such individuals?
13:33 24   A.   Our efforts have been focused on
13:33 25   making the website easier to use for guests who

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1   TODD J. NEMOIR - 1.9.07
13:33   2   are using assistive technologies. And as part
13:34   3   of that, we sought out best practices for doing
13:34   4   that.
13:34   5   Q.   All right. Describe the times you
13:34   6   sought out best practices.
13:34   7   I mean can you specifically identify
13:34   8   what has been done in that regard and when?
13:34   9   A.   A specific example that I can come up
13:34 10   with is labeling forms, HTML forms, and
13:34 11   providing additional information to a guest
13:34 12   using a screen reader. As we began looking to
13:34 13   different ways of doing that, discovered that
13:34 14   there are actually a few different ways of
13:34 15   providing additional information as a screen
13:34 16   reader reads through the elements of that form.
13:35 17   And so it was finding a few different examples
13:35 18   of that actually being used and making a
13:35 19   determination of which would be the best
13:35 20   solution for Target.
13:35 21   Q.   When did you begin labeling HTML
13:35 22   forms?
13:35 23   A.   That was part of the site updates
13:35 24   project that kicked off in March.
13:35 25   Q.   Of 2006?

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1   TODD J. NEMOIR - 1.9.07
13:35   2   A.   Correct.
13:35   3   Q.   And when did you start providing
13:35   4   additional information to people using screen
13:35   5   readers?
13:35   6   A.   For forms in specific?
13:35   7   Q.   For -- well, let's start with forms.
13:35   8   A.   Sometime between August and October
13:35   9   2006. I'm not sure specifically when those
13:35 10   changes went into place.
13:36 11   Q.   And what about have -- have there
13:36 12   been any efforts to provide additional
13:36 13   information to people using screen reader or
13:36 14   screen access software other than with respect
13:36 15   to forms?
13:36 16   A.   Yes.
13:36 17   Q.   And when did -- when did that effort
13:36 18   begin?
13:36 19   A.   And also in March.
13:36 20   Q.   Of 2006?
13:36 21   A.   Correct.
13:36 22   Q.   Prior to March of 2006, has there
13:36 23   been any effort that you are aware of by Target
13:36 24   or on behalf of Target to identify potential
13:36 25   ways in which Target.com might not be accessible

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1   TODD J. NEMOIR - 1.9.07
13:37   2   to individuals with vision disabilities using
13:37   3   screen access software?
13:37   4   A.   Can you restate it?
13:37   5   I feel like we've -- I've answered
13:37   6   that already.
13:37   7   Q.   Why don't I have it read back?
13:37   8   A.   No. How about -- could you just tell
13:37   9   me what you mean?
13:37 10   Q.   Well, what I'm getting at is you have
13:37 11   answered a series of questions. We talked about
13:37 12   -- because I originally asked you what you could
13:37 13   identify with respect to efforts to identify
13:37 14   potential barriers. And so far, you've said
13:37 15   receiving Dr. Thatcher's report, or at least a
13:37 16   summary of it, potentially engaging these two
13:37 17   people from the University of Minnesota to
13:37 18   provide basic awareness training, and then you
13:38 19   testified that you sought out a multitude of
13:38 20   different sources to improve the guest
13:38 21   experience. When I asked you about the
13:38 22   specifics of that, you said that in March of
13:38 23   2006, you included some labeling of -- of forms,
13:38 24   and then in August of 2006, there was an effort
13:38 25   to provide additional information to people

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	1	TODD J. NEMOIR - 1.9.07
14:34	2	A. I'm struggling to recall the specific
14:34	3	improvements that were part of each release.
14:34	4	They were broken apart more to make better use
14:34	5	of development resources than to have
14:34	6	consistency in the features.
14:34	7	The first specific change was to
14:35	8	incorporate the -- both the ability of Target to
14:35	9	control the alternative text for images that
14:35	10	were on the site.
14:35	11	Q. I'm not sure I understand your answer
14:35	12	which speaks more to my ability to understand
14:35	13	than anything else, but what -- what do you mean
14:35	14	specifically?
14:35	15	What was done with that -- the first
14:35	16	part that you started to describe?
14:35	17	A. So for the -- the portions of the
14:35	18	experience that Target.com -- on Target.com that
14:35	19	a Target resource somewhere developed, we could
14:36	20	code -- we can code to include those ALT tags
14:36	21	for images ourselves. There are significant
14:36	22	portions of the experience that Amazon develops,
14:36	23	and so we had no control in those areas. In
14:36	24	those areas, they made the changes so that as we
14:36	25	provide the image, at the same time, we can

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	1	TODD J. NEMOIR - 1.9.07
14:36	2	provide an alternate text label for that as
14:36	3	well.
14:36	4	Q. For the parts of the site that Amazon
14:36	5	-- is it right to say powers, operates?
14:36	6	What's the right terminology?
14:36	7	A. Maintains.
14:36	8	Q. Maintains?
14:36	9	For the sites that Amazon maintains,
14:37	10	Target provides the image, as well as the alt
14:37	11	text.
14:37	12	A. Correct. Within the content
14:37	13	management tool, there is an area where we
14:37	14	upload images and provide specifications about
14:37	15	that image, its height, its width, as well as
14:37	16	any other attributes in including ALT attributes
14:37	17	for that image.
14:37	18	Q. And what did you say that was part
14:37	19	of?
14:37	20	A. Seller Central.
14:37	21	Q. It's a particular program or
14:37	22	protocol?
14:37	23	A. That's the contact management tool
14:37	24	that Amazon provides to Target.com.
14:37	25	Q. And it's the same tool that's used

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	1	TODD J. NEMOIR - 1.9.07
14:37	2	for all images that Amazon -- that are put on
14:38	3	the parts of the site that Amazon maintains?
14:38	4	A. To the best of my knowledge.
14:38	5	Q. And I know you mentioned this
14:38	6	earlier, but which parts of the site are that --
14:38	7	are they, the ones that Amazon maintains?
14:38	8	A. All of the shopping and browsing and
14:38	9	checkout portions of the site.
14:38	10	Q. And was putting the alt text on the
14:38	11	shopping and browsing portions of the site part
14:38	12	of the first release or subsequent release?
14:38	13	A. I believe they were part of the
14:39	14	first.
14:39	15	Q. And also as part of the first
14:39	16	release, Target coded the -- the other images on
14:39	17	the parts of the site that it maintained without
14:39	18	Amazon for alt text, is that right?
14:39	19	A. I'm sorry. I'm trying to be as
14:39	20	accurate as I can on this. I don't specifically
14:39	21	remember how things made it into the various
14:39	22	releases at Amazon.com. If I'm correct in
14:39	23	saying that Amazon provided that ability in the
14:39	24	first release, that would have then given us the
14:39	25	ability to begin providing alternate text for

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	1	TODD J. NEMOIR - 1.9.07
14:39	2	the tens of thousands of images that are
14:39	3	available on Target.com through Seller Central.
14:39	4	So there was the need to go back to those images
14:39	5	that had already been on the site to provide
14:40	6	alternate text for those.
14:40	7	Q. How many of the tens of thousands of
14:40	8	images on the parts of the site maintained by
14:40	9	Amazon needed alt text?
14:40	10	A. I don't know the number off the top
14:40	11	of my head.
14:40	12	Q. Do you know if it was more than half?
14:40	13	A. I'm pausing because the number that I
14:40	14	have in my memory is that there were twenty
14:40	15	thousand images that needed alternate text. And
14:40	16	my pause is because I don't know if that also
14:40	17	included what would be considered decorative
14:40	18	images which do receive alternate text, but the
14:40	19	alternate text is blank. And I wouldn't want to
14:41	20	make a guess as to if those were included or not
14:41	21	included in that twenty thousand number that I'm
14:41	22	remembering right now.
14:41	23	Q. So it's either twenty thousand or
14:41	24	more?
14:41	25	A. I don't know that's what I said.

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		TODD J. NEMOIR - 1.9.07
14:41	2	Q. Well, I mean if they are included,
14:41	3	it's approximately twenty thousand; if they're
14:41	4	not included, it might be more than twenty
14:41	5	thousand?
14:41	6	A. Correct.
14:41	7	Q. Did -- did the alt text coding for
14:41	8	the non-Amazon parts of the site occur before or
14:41	9	after or at the same time as the coding for the
14:41	10	Amazon portions?
14:41	11	MR. McDOWELL: Objection, lacks
14:41	12	foundation.
14:41	13	THE WITNESS: Yes, to all three.
14:41	14	BY MR. KONECKY:
14:41	15	Q. Okay. Did they extend beyond more
14:41	16	than one phase?
14:41	17	A. I am sorry. In areas where we could
14:42	18	develop the experience part of following HTML
14:42	19	guidelines would include providing an ALT tag,
14:42	20	so prior experiences would have had that as part
14:42	21	of their development, and they continue to be
14:42	22	developed that way.
14:42	23	Q. Prior to the releases that occurred
14:42	24	in 2006, was there any systematic effort to
14:42	25	include alternate text on either -- on any of

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		TODD J. NEMOIR - 1.9.07
14:42	2	the images on the Target.com website?
14:43	3	A. For the portions of the site that are
14:43	4	not maintained by Amazon, as our developers code
14:43	5	and deliver those experiences on HTML, it would
14:43	6	have been best practice to include ALT tags
14:43	7	prior to this specific project.
14:43	8	Q. But not for the parts of the site
14:43	9	maintained by Amazon?
14:43	10	A. Again, Amazon maintains the HTML and
14:43	11	code related to those, so Target's ability to
14:43	12	provide that alternate text would be limited.
14:43	13	Q. All right. But I -- you're getting
14:43	14	ahead of me.
14:43	15	I just want to know prior to the
14:43	16	releases in 2006, am I correct that there was no
14:44	17	systematic effort for any of the parts of the
14:44	18	site maintained by Amazon to include alt text on
14:44	19	the images?
14:44	20	A. Not that I'm aware of.
14:44	21	Q. Okay. And is that the same answer
14:44	22	for any other part of the site that's maintained
14:44	23	by another third-party, whether it's Amazon or a
14:44	24	different third-party?
14:44	25	A. I -- I don't know the scope of what

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		TODD J. NEMOIR - 1.9.07
14:44	2	you're talking about when you say third-party.
14:44	3	Q. Well, in which -- are there any other
14:44	4	entities that maintain portions of Target.com
14:44	5	other than Amazon?
14:44	6	A. Yes.
14:44	7	Q. Okay. And for all of those entities,
14:45	8	was there ever any -- for all of those portions
14:45	9	of the site, was there any -- ever any
14:45	10	systematic effort prior to 2006 in order to
14:45	11	label images with alt text?
14:45	12	A. I don't know.
14:45	13	Q. Okay. You're not aware of any?
14:45	14	A. I don't know.
14:45	15	Q. With respect to the parts of the
14:45	16	Target.com in which Target is providing platform
14:45	17	as opposed to Amazon or a different entity, has
14:45	18	there been any systematic or regular
14:45	19	documentation of the inclusion of alt text in
14:46	20	the website?
14:46	21	MR. McDOWELL: Objection, vague and
14:46	22	ambiguous.
14:46	23	THE WITNESS: I'm not sure I
14:46	24	understand the specific question you're asking.
14:46	25	BY MR. KONECKY:

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		TODD J. NEMOIR - 1.9.07
14:46	2	Q. Are there any written protocols for
14:46	3	doing that?
14:46	4	A. There are development guidelines that
14:46	5	we've talked about before that would have
14:46	6	included following HTML coding best practices
14:46	7	that include -- and one of -- and HTML coding
14:46	8	best practice is that when you use images, you
14:46	9	specify a height or attribute or width
14:46	10	attribute --
14:46	11	THE COURT REPORTER: I'm sorry. HTML
14:46	12	and best practices is when you use images. . .
14:46	13	MR. McDOWELL: And HTML best
14:46	14	practices is when you an image, you could -- you
14:46	15	supply a height attribute, a width attribute --
14:47	16	THE WITNESS: And an ALT attribute.
14:47	17	THE COURT REPORTER: Well, that's
14:47	18	your answer --
14:47	19	THE WITNESS: Yeah. And that's --
14:47	20	THE COURT REPORTER: -- on the record
14:47	21	so. . .
14:47	22	Do you want to just adopt that, or I
14:47	23	mean it shows up as Mr. McDowell so. . .
14:47	24	MR. McDOWELL: Did I -- did I --
14:47	25	THE WITNESS: Yes, that was exact --

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              1         TODD J. NEMOIR - 1.9.07
14:47    2         MR. McDOWELL: -- did I correctly
14:47    3    repeat what you had said?
14:47    4    BY MR. KONECKY:
14:47    5         Q.   Or were going to say?
14:47    6         A.   Yes.  That was what I was going to
14:47    7    say.
14:47    8         MR. WALBOURN:  Well, that's what he
14:47    9    said before.  She read it back incorrectly.
14:47   10    That's what he said before.
14:47   11         Start over and let him re-answer the
14:47   12    question because that's exactly what he said
14:47   13    previously.
14:47   14         MR. KONECKY:  The record is what it
14:47   15    is.
14:47   16         MR. WALBOURN:  I know.
14:47   17    BY MR. KONECKY:
14:47   18         Q.   The protocols that you were referring
14:47   19    to, are they Target protocols or are they the
14:47   20    W3C protocols for HTML text or coding or
14:48   21    something else?
14:48   22         A.   The -- the best practices that I'm
14:48   23    referring to would be Target's web development
14:48   24    best practices --
14:48   25         Q.   Okay.
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              1         TODD J. NEMOIR - 1.9.07
14:48    2         A.   -- which make reference to the W3C
14:48    3    HTML.
14:48    4         Q.   And when was the last time those were
14:48    5    developed, drafted at Target?
14:48    6         A.   I am aware of a revision that
14:48    7    happened in late December, and they -- but
14:48    8    they're draft -- reviewed fairly frequently for
14:48    9    updates.
14:48   10         Q.   That's December 2006?
14:48   11         A.   Correct.
14:48   12         Q.   And how often have they been updated
14:48   13    over the past five years?
14:48   14         A.   I don't know.
14:48   15         Q.   At least once a year?
14:48   16         A.   I can only speak to the last year,
14:48   17    and I know that they had -- at a minimum of
14:49   18    three times, they've been updated to include
14:49   19    additional information.
14:49   20         Q.   Do you know of any other updates
14:49   21    prior to 2006?
14:49   22         A.   I would need to go back and reference
14:49   23    my notes.
14:49   24         Q.   You have notes about updates like
14:49   25    this?
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              1         TODD J. NEMOIR - 1.9.07
14:49    2         A.   I get -- I get the updates when
14:49    3    they're made, and included in that is a revision
14:49    4    history of the document (witness indicating).
14:49    5         Q.   Okay.  And for purposes of finding
14:49    6    the document, what is the specific name?
14:49    7         A.   I don't know.  It would be -- I don't
14:49    8    know.
14:49    9         Q.   Okay.  Why did you include alternate
14:50   10    text coding as part of this release in 2006?
14:50   11         MR. McDOWELL:  Objection, lacks
14:50   12    foundation.
14:50   13         THE WITNESS:  To improve the guest
14:50   14    experience for users using screen readers to
14:50   15    access the website.
14:50   16         MR. McDOWELL:  Would you read back
14:50   17    the question?
14:50   18                * * *
14:50   19         (Whereupon, the reporter read back
14:50   20         the requested portion of the record.)
09:54   21                * * *
14:50   22    BY MR. KONECKY:
14:50   23         Q.   What other improvements or changes
14:50   24    relative to disability access were made during
14:50   25    these releases in 2006?
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              1         TODD J. NEMOIR - 1.9.07
14:51    2         A.   I specifically remember changes being
14:51    3    made to forms on line to make them easier to use
14:51    4    and to provide additional page information for
14:51    5    screen readers, header tags specifically.
14:51    6    There's one more set of changes that I'm not
14:51    7    recalling.
14:51    8         Q.   Any changes with respect to use of a
14:51    9    keyboard?
14:51   10         A.   Those would have been specific
14:51   11    changes related to the forms I believe.
14:51   12         Q.   Anything else?
14:52   13         A.   Not that I remember.
14:52   14         Q.   Are these changes documented
14:52   15    anywhere?
14:52   16         A.   Yes.
14:52   17         Q.   Where?
14:52   18         A.   As part of a project definition that
14:52   19    was collaborated with Amazon that's maintained
14:52   20    by Target.com.
14:52   21         Q.   What's a project definition?
14:52   22         What does that mean?
14:52   23         A.   It outlines -- from my point of view,
14:52   24    it outlines the high level requirements that are
14:52   25    going into a specific project with Amazon.
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	1 TODD J. NEMOIR - 1.9.07
15:13	2 A. Yes.
15:13	3 Q. Is that something that also applies
15:14	4 to Target.com?
15:14	5 MR. McDOWELL: Objection, vague and
15:14	6 ambiguous.
15:14	7 THE WITNESS: Well, what do you mean
15:14	8 by the question?
15:14	9 BY MR. KONECKY:
15:14	10 Q. Well, would you agree with Dr.
15:14	11 Thatcher that in order for a web page on
15:14	12 Target.com to be accessible to somebody with a
15:14	13 vision disability that relies on screen access
15:14	14 software, that it must be possible for the user
15:14	15 to interact with the page using only the
15:14	16 keyboard?
15:14	17 A. I agree that you should be able to
15:14	18 accomplish the same tasks by only interacting
15:14	19 with the keyboard.
15:14	20 Q. And would you agree that that is
15:14	21 applicable generally to individuals with vision
15:14	22 disabilities who rely on screen access software?
15:14	23 MR. McDOWELL: Objection, vague and
15:14	24 ambiguous.
15:15	25 THE WITNESS: My understanding is

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	1 TODD J. NEMOIR - 1.9.07
15:15	2 that people using the screen reading software
15:15	3 use the keyboard exclusively to navigate
15:15	4 applications, including web pages.
15:15	5 BY MR. KONECKY:
15:15	6 Q. And that's true regardless of the
15:15	7 particular user's proficiency level or level of
15:15	8 education or location, right?
15:15	9 A. Correct.
15:15	10 Q. Okay. And it's also true that in
15:15	11 response to Dr. Thatcher's report that in 2006,
15:15	12 Target made changes to its website to include
15:15	13 keyboard access in certain areas?
15:15	14 A. I don't know that those changes were
15:15	15 made in response to this report.
15:15	16 Q. Okay. Those changes were not made
15:15	17 before this report, is that right?
15:16	18 A. Correct.
15:16	19 Q. And those changes track the
15:16	20 recommendations of Dr. Thatcher's report, right?
15:16	21 THE COURT REPORTER: I'm sorry.
15:16	22 Track the recommendations of what?
15:16	23 MR. KONECKY: Of Dr. Thatcher's
15:16	24 report.
15:16	25 THE WITNESS: And what do you mean,

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	1 TODD J. NEMOIR - 1.9.07
15:16	2 track the changes?
15:16	3 BY MR. KONECKY:
15:16	4 Q. Well, the changes that Target made to
15:16	5 Target.com in 2006 with respect to disability
15:16	6 access were changes -- all of those changes were
15:16	7 subjects included in Dr. Thatcher's report which
15:16	8 is here as Exhibit 2, right?
15:16	9 A. I don't know that that's true. I
15:16	10 haven't reviewed this in its entirety.
15:17	11 Q. Okay. Well, keyboard access is one
15:17	12 of the changes that Target made in 2006,
15:17	13 correct?
15:17	14 A. Yes.
15:17	15 Q. And keyboard access was one of the
15:17	16 recommendations that you recall from Dr.
15:17	17 Thatcher?
15:17	18 A. So to be clear, all I ever saw were
15:17	19 the summary of the changes from Dr. Thatcher,
15:17	20 and, yes, that was part of the summarized
15:17	21 changes.
15:18	22 Q. Okay. On page ten of the report --
15:18	23 well, that actually starts toward the bottom of
15:18	24 page nine where Dr. Thatcher talks about
15:18	25 navigation. And then on page forty-nine or --

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	1 TODD J. NEMOIR - 1.9.07
15:18	2 excuse me -- paragraph forty-nine on page ten,
15:18	3 it says that: "Screen reader users need some
15:18	4 technique for skipping over all of those links
15:19	5 in order to get to the desired part of the
15:19	6 screen."
15:19	7 Do you -- first of all, did Target
15:19	8 make any changes with respect to navigation for
15:19	9 people using screen readers on the website in
15:19	10 2006 as part of those releases?
15:19	11 A. Yes.
15:19	12 Q. Okay. And specifically, what kind of
15:19	13 change was made there?
15:19	14 A. The specific change that I remember
15:19	15 was adding header tags to pages --
15:19	16 Q. Uh-huh.
15:19	17 A. -- so that the specific content areas
15:19	18 of a page could be separated by. . .
15:19	19 Q. And does that assist in allowing
15:19	20 people using screen access software to skip over
15:20	21 other links in order to get to where they want
15:20	22 to go?
15:20	23 A. Yes.
15:20	24 Q. And do you agree with Dr. Thatcher
15:20	25 that oftentimes without that technique, the

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15:20 2 header tags, there can be multiple links that
15:20 3 would take a lengthy amount of time for somebody
15:20 4 using screen access software to get through, in
15:20 5 order to get to the desired location?
15:20 6   MR. McDOWELL: Objection, lacks
15:20 7 foundation, vague and ambiguous.
15:20 8   THE WITNESS: I'm sorry. I haven't
15:20 9 had a time to read all of this.
15:20 10 BY MR. KONECKY:
15:20 11   Q.   Well, take a minute to read paragraph
15:20 12 forty-seven through fifty-one.
15:21 13   A.   Okay.
15:21 14   Q.   Okay. On page forty-eight, Dr.
15:21 15 Thatcher writes that using the tab key to
15:21 16 navigate through the page that he's describing
15:21 17 in the previous paragraph, in order to get to
15:22 18 the continued checkout button, will require
15:22 19 about fifty key strokes just to get to the
15:22 20 desired button.
15:22 21   Do you see where I am?
15:22 22   A.   Just to be clear, that's paragraph
15:22 23 forty-eight?
15:22 24   Q.   Paragraph forty-eight.
15:22 25   A.   Okay.

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TODD J. NEMOIR - 1.9.07

15:22 2   Q.   The continued checkout reference is
15:22 3 in the preceding paragraph.
15:22 4   Does that comport with your
15:22 5 understanding of Target.com prior to -- at least
15:22 6 prior to the releases that occurred in 2006?
15:22 7   MR. McDOWELL: Objection, vague and
15:22 8 ambiguous.
15:22 9   THE WITNESS: I can't say either way.
15:22 10 I don't know.
15:22 11 BY MR. KONECKY:
15:22 12   Q.   Okay. So you don't have any reason
15:22 13 to disagree with the observation by Dr. Thatcher
15:22 14 when he wrote this report in the earlier part of
15:23 15 2006 that there were multiple key strokes that
15:23 16 would be necessary for a blind user to go
15:23 17 through in order to navigate to the desired
15:23 18 result or the desired location?
15:23 19   A.   I have no reason to disagree with
15:23 20 that finding.
15:23 21   Q.   And would you agree that this results
15:23 22 in extra time for the blind user to navigate
15:23 23 through the website as compared to the sighted
15:23 24 user?
15:23 25   MR. McDOWELL: Objection, vague and

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TODD J. NEMOIR - 1.9.07

15:23 2 ambiguous.
15:23 3   THE WITNESS: I don't know that I can
15:23 4 say that actually.
15:23 5 BY MR. KONECKY:
15:23 6   Q.   Do you disagree with that?
15:23 7   A.   With comparing the time?
15:23 8   I don't know that I could say that.
15:24 9 That's a -- I can't compare as you just did.
15:24 10   Q.   Do you agree that putting headers on
15:24 11 to -- header tags on to the pages can allow a
15:24 12 blind user to move through the site more quickly
15:24 13 and easily than without the header tags?
15:24 14   A.   Yes.
15:24 15   Q.   And would you agree that that's
15:24 16 generally the case for any blind or visually
15:24 17 impaired user that relies on screen access
15:24 18 software?
15:24 19   A.   Yes.
15:24 20   Q.   Okay. And on the other hand, would
15:24 21 you agree that for blind users that use screen
15:24 22 access software without the header tags, it's
15:24 23 going to take longer for them to navigate
15:24 24 through the site?
15:24 25   A.   Correct. So it would take longer for

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TODD J. NEMOIR - 1.9.07

15:25 2 a person using a screen reader -- screen reading
15:25 3 software to navigate a page without header tags
15:25 4 than with?
15:25 5   Q.   Yes.
15:25 6   A.   That's what I would guess.
15:25 7   Q.   You agree with that?
15:25 8   A.   Yes.
15:25 9   Q.   And would you agree that in a case --
15:25 10 that there can be cases without header tags, for
15:25 11 example, even on Target.com, where it could take
15:25 12 fifty strokes to get to a desired location when
15:25 13 the header tags aren't there to guide the user?
15:25 14   MR. McDOWELL: Objection, lacks
15:25 15 foundation.
15:25 16   THE WITNESS: Can you ask the
15:25 17 question in a different way?
15:25 18 BY MR. KONECKY:
15:25 19   Q.   Sure. Without the header tags to
15:25 20 guide the user, would you agree that it can
15:25 21 often take multiple key strokes, up to fifty in
15:26 22 the case of Target.com, for a blind user to get
15:26 23 from one place to the desired result?
15:26 24   MR. McDOWELL: Same objection.
15:26 25   THE WITNESS: Yes.

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	1	TODD J. NEMOIR - 1.9.07
15:44	2	information is to be entered into which field is
15:44	3	necessary in order for -- let me start that
15:44	4	again.
15:44	5	Would you agree that form labeling or
15:44	6	some similar design feature on a website is
15:45	7	necessary for a blind user using screen access
15:45	8	software to know where information is to be
15:45	9	entered in which field when filling out an
15:45	10	online form?
15:45	11	A. I lost you in the question.
15:45	12	I think that it's essential for all
15:45	13	guests to understand what the purpose of each
15:45	14	form element is.
15:45	15	Q. And for guests with vision
15:45	16	disabilities, would you agree that form
15:45	17	labeling, including prompting information, that
15:45	18	interacts with the screen access software is
15:45	19	necessary in order to achieve that result?
15:45	20	MR. McDOWELL: Objection, asked and
15:45	21	answered.
15:45	22	THE WITNESS: Again, I'd still
15:45	23	maintain that that is a way, but not the only
15:45	24	way to accomplish the intended result.
15:45	25	BY MR. KONECKY:

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	1	TODD J. NEMOIR - 1.9.07
15:45	2	Q. Well, let me ask you two questions
15:46	3	about that.
15:46	4	Am I correct that there must be some
15:46	5	accommodation, whether it's form labeling or
15:46	6	something else, that's put into the site to
15:46	7	accomplish the result that we're talking about,
15:46	8	that is to insure that people with vision
15:46	9	disabilities are prompted to know which
15:46	10	information is to go where when filling out an
15:46	11	online form?
15:46	12	A. Yes. The page must be developed in
15:46	13	such a way that the information pertaining to
15:46	14	form elements either in order or in code relates
15:46	15	back to the input for that form.
15:46	16	Q. And if that does not happen, people
15:46	17	with vision disabilities as a general matter are
15:46	18	going to have difficulty knowing which
15:46	19	information to input where, isn't that right?
15:47	20	MR. McDOWELL: Objection, vague and
15:47	21	ambiguous.
15:47	22	THE WITNESS: Without associating the
15:47	23	two either in order or through code, I would
15:47	24	agree with you that a guest using screen reading
15:47	25	software would have trouble associating --

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	1	TODD J. NEMOIR - 1.9.07
15:47	2	understanding what the purpose of each form
15:47	3	element was.
15:47	4	BY MR. KONECKY:
15:47	5	Q. And that would apply to the guest
15:47	6	with a vision disability regardless of the
15:47	7	particular screen access program or the
15:47	8	particular level of education or the particular
15:47	9	location from where that person is accessing the
15:47	10	website, isn't that right?
15:47	11	MR. McDOWELL: Objection, lacks
15:47	12	foundation.
15:47	13	THE WITNESS: I don't know that I can
15:47	14	answer that. I've not done a complete
15:48	15	evaluation of all assistive technology that
15:48	16	people with vision impairment use to access
15:48	17	websites.
15:48	18	BY MR. KONECKY:
15:48	19	Q. From what you're aware of, as the
15:48	20	person most knowledgeable today on behalf of
15:48	21	Target, am I correct that, generally speaking,
15:48	22	people with vision disabilities will need some
15:48	23	kind of accommodation, whether or not it's form
15:48	24	labeling or something else, on the website in
15:48	25	order to be prompted to know where to put what

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	1	TODD J. NEMOIR - 1.9.07
15:48	2	information when filling out an online form?
15:48	3	MR. McDOWELL: This witness is not
15:48	4	designated for that category. So despite your
15:48	5	attempt to identify him as a Target designee on
15:48	6	that topic, he is not.
15:48	7	To the extent you can answer the
15:48	8	question, feel free.
15:48	9	THE WITNESS: I'm not sure I
15:48	10	understand what you're asking by the question.
15:48	11	BY MR. KONECKY:
15:48	12	Q. Well, are you aware of any situation
15:49	13	in which it would not be important to provide
15:49	14	form labeling or some similar accommodation or
15:49	15	program in the site itself to allow an
15:49	16	individual who uses screen access software to
15:49	17	know where to put which information when filling
15:49	18	out online forms?
15:49	19	MR. McDOWELL: Objection, vague and
15:49	20	ambiguous.
15:49	21	THE WITNESS: If the page is coded in
15:49	22	such a way that the text to that is read is
15:49	23	immediately preceding or next to the input box
15:49	24	that the guest is asked to fill out, a guest
15:49	25	would be able to -- would you be aware of the

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15:50 2 relationship between those two elements.
15:50 3 BY MR. KONECKY:
15:50 4 Q. Are you aware of any such instances
15:50 5 like that on Target.com?
15:50 6 A. I don't know.
15:50 7 Q. Okay. And on Target.com, some of the
15:50 8 information that a guest may need to fill in
15:50 9 would include private information, like their
15:50 10 credit card number, right?
15:50 11 A. Correct.
15:50 12 Q. All right. So it's important for a
15:50 13 guest with a vision disability trying to make a
15:50 14 purchase on Target.com to have adequate and
15:50 15 reliable form labeling so they know where
15:50 16 they're putting information, including private
15:50 17 information like a credit card number, right?
15:50 18 MR. McDOWELL: Objection, vague and
15:50 19 ambiguous.
15:50 20 THE WITNESS: Again, form labeling
15:50 21 would be one way of associating the information
15:50 22 that's being asked for and the actual input area
15:51 23 for the guest.
15:51 24 BY MR. KONECKY:
15:51 25 Q. It's actually the only way that

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15:51 2 you're aware of as you sit here today, right?
15:51 3 A. Well, as I've been talking, the other
15:51 4 way would be to immediately put the text in
15:51 5 physical relationship to the form element.
15:51 6 Q. And has Target done that?
15:51 7 A. I -- sorry. For the specific -- for
15:51 8 example, for credit card area, those form
15:51 9 elements have been labeled.
15:51 10 Q. No. The alternative to form
15:51 11 labeling, is that something that Target has
15:51 12 done?
15:51 13 A. I don't know.
15:51 14 Q. And the form labeling itself is
15:51 15 something that Target did in 2006?
15:51 16 A. Correct.
15:51 17 Q. After receiving Mr. Thatcher's
15:51 18 report?
15:51 19 A. Correct.
15:51 20 Q. And when Target did the form labeling
15:52 21 on the site, it didn't make distinctions based
15:52 22 upon the level of skill of a particular user or
15:52 23 the -- or other individualized attributes of a
15:52 24 particular user, did it?
15:52 25 MR. McDOWELL: Objection, vague and

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15:52 2 ambiguous.
15:52 3 THE WITNESS: I don't know.
15:52 4 BY MR. KONECKY:
15:52 5 Q. You're not aware of them, or are you
15:52 6 making any such individualized inquiries of
15:52 7 particular users?
15:52 8 MR. McDOWELL: Same objection.
15:52 9 THE WITNESS: I did not -- I
15:52 10 personally did not, no.
15:52 11 BY MR. KONECKY:
15:52 12 Q. And you're not aware of anybody else
15:52 13 doing that, is that right?
15:52 14 A. Correct.
15:52 15 MR. McDOWELL: It's getting late.
15:52 16 Why don't we take a quick break?
15:52 17 MR. KONECKY: Sure.
15:57 18 * * *
15:57 19 (Whereupon, a short recess was taken.)
15:57 20 * * *
15:57 21 BY MR. KONECKY:
15:57 22 Q. Okay. Previously, earlier this
15:57 23 morning, you were testifying about certain
15:57 24 assumptions that may have been made with respect
15:57 25 to the user when determining how to design the

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15:57 2 site, such as being technologically savvy or
15:57 3 well educated, at least as ambiguously defined,
15:57 4 correct?
15:57 5 A. Correct. Target.com would define
15:58 6 their guest as well educated and technically
15:58 7 savvy.
15:58 8 Q. And then Target or Target.com, a
15:58 9 division of Target, would design the website
15:58 10 with that particular guest in mind?
15:58 11 A. Correct.
15:58 12 Q. And that particular guest -- and in
15:58 13 doing so, there would only be one website design
15:58 14 for Target.com?
15:58 15 There wouldn't be more than one
15:58 16 Target.com. It would be one design to set a
15:58 17 certain level of use for whatever user group
15:58 18 Target was assumed was its target population?
15:59 19 A. So I would say that Target.com is a
15:59 20 collection of many experiences, and the specific
15:59 21 guest segment and attributes of that guest would
15:59 22 be defined by each experience. Broadly
15:59 23 speaking, Target.com would identify the shopping
15:59 24 experience as a single guest profile.
15:59 25 Q. And the -- and each experience would

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16:07 2 used as part of the best practices, do they
16:07 3 contain reference to any of the specific
16:07 4 elements which Dr. Thatcher recommends are
16:07 5 necessary for access and/or which were part of
16:07 6 any of the releases that Target did in 2006?
16:07 7   MR. McDOWELL: Objection, compound,
16:07 8 lacks foundation.
16:07 9   The witness hadn't seen Dr.
16:07 10 Thatcher's report so --
16:07 11   MR. KONECKY: I'll break it down.
16:07 12   MR. McDOWELL: Thank you.
16:07 13 BY MR. KONECKY:
16:07 14   Q.   Is there anything in the best
16:07 15 practices web page review process, that is the
16:08 16 process by which the lead developers look at web
16:08 17 pages as they're coming out, which specifically
16:08 18 prompts a consideration of alternate text?
16:08 19   A.   Yes.
16:08 20   Q.   Okay. Can you describe that?
16:08 21   A.   That specific issue when using an
16:08 22 image tag properly formed HTML would include
16:08 23 several attributes, and that would include an
16:08 24 ALT tag.
16:08 25   Q.   And this is something that the lead

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16:08 2 developers were reviewing for each new website
16:08 3 page since before 2006?
16:08 4   A.   I don't know.
16:08 5   Q.   But the -- the -- the best practices
16:09 6 which you've described is what the lead
16:09 7 developers are following are best practices that
16:09 8 Target had had since before 2006?
16:09 9   A.   That document existed before 2006,
16:09 10 yes.
16:09 11   Q.   How long had that document existed
16:09 12 for?
16:09 13   A.   I don't know.
16:09 14   Q.   For more than two or three years?
16:09 15   A.   I don't know.
16:09 16   Q.   Thousands of pages have been released
16:09 17 under those -- hundreds of thousands of pages
16:09 18 have been added to Target.com or changed on
16:09 19 Target.com using those best practices as the
16:09 20 baseline for the review process by the lead
16:09 21 developers, is that right?
16:10 22   A.   No, not entirely. Pages that are
16:10 23 created as part of Amazon's publishing system
16:10 24 would be created using the templates that Amazon
16:10 25 has created which may have preceded that

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16:10 2 document.
16:10 3   Q.   So for the pages that Amazon is
16:10 4 maintaining, do your lead developers review
16:10 5 those pages before they get released?
16:11 6   A.   It depends on the specific area of
16:11 7 the experience. If it is a change to a template
16:11 8 that's controlled within Seller Central, I don't
16:11 9 know the answer. If it is the creation of or
16:11 10 modification of a site experience, for example,
16:11 11 the checkout experience, yes, my developers
16:11 12 would review that code.
16:11 13   Q.   So what percentage of web page is
16:11 14 maintained by Amazon are reviewed under the best
16:11 15 practices protocol by Target before they're made
16:12 16 live?
16:12 17   A.   By the sheer volume of pages that get
16:12 18 created through the template system, I would say
16:12 19 the percentage is very small, but I don't know.
16:12 20   Q.   When you say very small, do you mean
16:12 21 less than ten percent?
16:12 22   A.   Yes.
16:12 23   Q.   Less than five percent?
16:12 24   A.   I don't know.
16:12 25   Q.   In any event, your testimony is that

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16:12 2 the lead developers of Target by reference to
16:12 3 best practices that Target has had prior to 2006
16:13 4 check at least some of the new web pages that
16:13 5 get released as they're being released or before
16:13 6 they go live, is that right?
16:13 7   A.   Yes.
16:13 8   Q.   Okay. And am I correct that the lead
16:13 9 developers at Target were doing that in 2005?
16:13 10   A.   I don't know.
16:13 11   Q.   Do you know if they were doing it at
16:13 12 any time before 2006?
16:13 13   A.   I don't know.
16:13 14   Q.   But you do know that subsequent to
16:13 15 2006, or at least the start of 2006, multiple
16:13 16 pages of Target.com were found not to have
16:14 17 alternate text, is that right?
16:14 18   A.   Yes.
16:14 19   Q.   And are you aware of any specific
16:14 20 procedure for insuring that pages, new pages of
16:14 21 Target.com that are on templates provided by
16:14 22 Amazon are checked to insure that they have
16:14 23 alternate text?
16:14 24   MR. McDOWELL: Objection, asked and
16:14 25 answered.