

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 NATIONAL FEDERATION OF THE BLIND;  
5 THE NATIONAL FEDERATION OF THE BLIND  
6 OF CALIFORNIA, on behalf of their  
7 members; and BRUCE F. SEXTON, on  
8 behalf of himself and all others  
9 similarly situated,

10 Plaintiffs,

11 vs.

12 No. C 06-01802 MHP

13 TARGET CORPORATION,  
14 Defendant.

15 DEPOSITION OF  
16 TIM ELDER  
17 June 25, 2007  
18 Volume II

19  
20 Reported by:  
21 KELLI COMBS  
22 CSR No. 7705

23 SHARI MOSS & ASSOCIATES  
24 Certified Shorthand Reporters  
25 877 Cowan Road, Suite A  
Burlingame, California 94010  
(415) 402-0004  
(650) 692-8900  
FAX (650) 692-8909

1 INDEX  
 2 Page Number  
 3 EXAMINATION BY MS. PASZEK 62  
 4  
 5 ---000---  
 6  
 7 EXHIBITS  
 8 Defendant's Page  
 9 (None marked.)  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 60

1 TIM ELDER,  
 2 having been first duly sworn, testified as follows:  
 3  
 4 EXAMINATION  
 5 BY MS. PASZEK:  
 6 Q Great. So my name Kristina Paszek. I  
 7 represent Target in this matter.  
 8 You have been deposed before in this case; is  
 9 that right?  
 10 A That is correct.  
 11 Q Were you deposed on any other occasions or is  
 12 that your only deposition in the past?  
 13 A That is the only deposition I've ever given  
 14 for this case or any other.  
 15 Q Okay. Great.  
 16 Well, I know you have some experience, but  
 17 I'll recap the basic format. I'm going to ask you  
 18 questions, you're answering them, and meanwhile the  
 19 court reporter here is taking it all down. So it's best  
 20 if we try not to speak over each other so that she can  
 21 get everything we say.  
 22 And if you have any questions, I'd like to ask  
 23 that -- if I pose a question that's unclear to you, I'd  
 24 like to ask that you ask me to clarify so that the  
 25 record can be clear.

Page 62

1 BE IT REMEMBERED that, pursuant to the laws  
 2 governing the taking and use of depositions and on  
 3 Monday, June 25, 2007, commencing at the hour of 1:30  
 4 p.m., at the Law Offices of Morrison & Foerster, 425  
 5 Market Street, 33rd Floor, San Francisco, California,  
 6 before me, KELLI COMBS, a Certified Shorthand Reporter  
 7 of the State of California, personally appeared  
 8 TIM ELDER  
 9 called as a witness by the Defendant, who, being by me  
 10 first duly sworn, was examined and testified as is  
 11 hereinafter set forth.  
 12 ---oOo---  
 13 KRISTINA PASZEK, Attorney at Law, of the  
 14 Law Offices of MORRISON & FOERSTER, 425 Market Street,  
 15 San Francisco, California, was present on behalf of the  
 16 Defendant.  
 17  
 18 CAMILLA L. ROBERSON, Attorney at Law, of the  
 19 Law Offices of SCHNEIDER & WALLACE, 180 Montgomery  
 20 Street, Suite 2000, San Francisco, California, was  
 21 present on behalf of the Plaintiffs.  
 22  
 23 ---oOo---  
 24  
 25

Page 61

1 Is that okay?  
 2 A Uh-huh.  
 3 Q Great.  
 4 And if you ever want a break, just feel free  
 5 to ask, and we can take a break, as well. I'd just ask  
 6 that if there is a question pending, will you answer  
 7 that question before we take a break? Does that sound  
 8 good?  
 9 A Sounds good.  
 10 Q Great. Okay.  
 11 What did you do to prepare for this  
 12 deposition?  
 13 A I spoke with my attorney and I reviewed my  
 14 declaration.  
 15 Q Okay.  
 16 Did you review any other documents?  
 17 A I reviewed the past declaration, the first  
 18 one.  
 19 Q Okay.  
 20 I believe you filed two declarations in this  
 21 case, one back in I think it was May of last year, and  
 22 another more recent one?  
 23 A I reviewed both the declarations that I filed  
 24 in this case.  
 25 Q Okay.

Page 6.

1 And no other documents?  
 2 **A No.**  
 3 **Q Okay.**  
 4 And about how long did you speak with your  
 5 attorney?  
 6 **A I would estimate 30 minutes, one hour.**  
 7 **Q Okay.**  
 8 So I believe one of your declarations says you  
 9 have been legally blind since 2004; is that right?  
 10 **A Yes, that's correct.**  
 11 **Q And what definition of legally blind are you**  
 12 **using for those purposes?**  
 13 **A The definition that is used legally, I guess.**  
 14 **The doctor gave me a note and a prescription or whatever**  
 15 **they give to prove that you are legally blind. You're**  
 16 **entitled to school accommodations, entitled to Social**  
 17 **Security benefits, so on and so forth.**  
 18 **Q So you have had a condition that's worsened**  
 19 **over time in terms of your eyesight; is that correct?**  
 20 **A That is correct.**  
 21 **Q And then during this doctor's visit that you**  
 22 **referred to in 2004, that's when you sort of crossed the**  
 23 **line to legally blind, is that kind of an accurate way**  
 24 **of putting it?**  
 25 **A Well, I could have been legally blind prior to**

Page 64

1 **that, but I didn't actually go to a doctor and get an**  
 2 **official diagnosis officially saying I'm legally blind**  
 3 **until that 2004 year.**  
 4 **Q Okay. Got it.**  
 5 **A I have been legally blind before.**  
 6 **Q Got it. All right.**  
 7 And about how long have you been surfing the  
 8 Internet for?  
 9 **A Well, I've been surfing the Internet probably**  
 10 **since 1996 both as a person accessing the material**  
 11 **through my eyes and as a person using screen reader**  
 12 **technology.**  
 13 **Q Okay.**  
 14 And about how long have you been using screen  
 15 reader technology?  
 16 **A I've used various forms of screen reader**  
 17 **technology probably since 2004. The most current**  
 18 **technology that I use is called JAWS, and that's what**  
 19 **I've most recently been using.**  
 20 **Q Which version of JAWS are you now using?**  
 21 **A I use different versions of JAWS, depending on**  
 22 **what computer I'm using. Sometimes I use the latest**  
 23 **version, 8.0 or 8.1 or whatever it is now.**  
 24 **Q Uh-huh.**  
 25 **A And I have used other versions going back to**

Page 65

1 **6.1, I believe.**  
 2 **Q Okay.**  
 3 And are there other -- is there other screen  
 4 reader software you use besides JAWS?  
 5 **A There is other screen reader technology that I**  
 6 **use besides JAWS, although I don't really use any of it**  
 7 **to access the Internet.**  
 8 **Q Why not?**  
 9 **A Well, I have an Apple Macintosh that I use for**  
 10 **studio recording, and it has a built-in screen reader.**  
 11 **But I like to keep that computer virus-free and clean,**  
 12 **so I don't access the Internet through that computer.**  
 13 **Q Okay.**  
 14 And besides the screen reader software on the  
 15 Apple, the Macintosh you use for studio recording, is  
 16 there other screen reader software that you use besides  
 17 that, and besides JAWS?  
 18 **A Do you mean for accessing the Internet or in**  
 19 **general?**  
 20 **Q For accessing the Internet.**  
 21 **A For accessing the Internet I primarily use**  
 22 **JAWS. I don't think I have ever used another screen**  
 23 **reader application to try and access the Internet.**  
 24 **Q Okay.**  
 25 Which Internet browser do you use?

Page 66

1 **A The main Internet browser that I use is**  
 2 **Internet Explorer.**  
 3 **Q What about others?**  
 4 **A I may have very rarely used Netscape.**  
 5 **Q Okay.**  
 6 Any others?  
 7 **A None that I can recall.**  
 8 **Q Okay.**  
 9 I think the last time you were deposed, I  
 10 think you said you were planning on starting law school.  
 11 Has that happened?  
 12 **A Yeah, I actually just finished my first year**  
 13 **at UC Hastings.**  
 14 **Q Congratulations.**  
 15 **A Thank you. I'm glad it's over.**  
 16 **Q A lot of people think that way about their**  
 17 **first year of law school.**  
 18 **MS. ROBERSON: Until they get to the second.**  
 19 **BY MS. PASZEK:**  
 20 **Q And what are you --**  
 21 **How are you spending your summer?**  
 22 **A I have a summer internship at a small firm**  
 23 **here in San Francisco.**  
 24 **Q Which firm is that?**  
 25 **A That is Schneider & Wallace.**

Page 67

1 Q About how often would you say you go to Target  
 2 retail stores?  
 3 A A couple of times a year, although since this  
 4 lawsuit I have decided not to spend my money at Target,  
 5 so I haven't been since this suit has come about.  
 6 Q Okay.  
 7 And so you haven't been -- since the suit has  
 8 come about -- so in over a year?  
 9 A I do not believe I've been to Target in the  
 10 past year.  
 11 Q Okay.  
 12 When you shopped at Target's actual stores,  
 13 what items did you buy there?  
 14 A That's a tough question to answer. If my  
 15 memory is correct, I bought some clothes. I may have  
 16 shopped for some larger items like entertainment center  
 17 type stuff, or I think I bought a VHS tape -- you know,  
 18 the big VHS tape storage units.  
 19 Q Okay.  
 20 So when you said "entertainment center," do  
 21 you mean like electronic components or furniture or...  
 22 A I think it was -- it was like a piece of an  
 23 entertainment center that you would store media in,  
 24 maybe a CD holder or a VHS tape holder.  
 25 Q Okay.

1 Q Okay.  
 2 A Well, if you didn't count the year that I have  
 3 sort of been boycotting the store for the past year.  
 4 Q Right. Okay.  
 5 About how many times would you say you have  
 6 tried to access Target.com?  
 7 A On what occasion? Could you clarify?  
 8 Q Total.  
 9 A If my memory is correct, I'd say I tried  
 10 accessing it at least two or three times.  
 11 Q Okay.  
 12 Did you ever access it to try to purchase  
 13 things off the website directly?  
 14 A I did access Target.com to try and purchase  
 15 something.  
 16 Q What about did you ever try to access  
 17 Target.com in order to obtain product information or  
 18 other information prior to visiting a Target store?  
 19 A I may have attempted to try and gain  
 20 information. It's really kind of hard to say because I  
 21 was often frustrated with the inaccessibility of the  
 22 site, so I didn't really get that far.  
 23 Q Okay. What about -- okay.  
 24 So we -- I'm just going to try to walk through  
 25 the specific occasions.

1 Any other items that you remember shopping for  
 2 at Target stores?  
 3 A I can't remember anything off the top of my  
 4 head.  
 5 Q Even just categories of things like, for  
 6 example, did you shop for food?  
 7 A I may have bought some junk food stuff there,  
 8 you know, Red Vines or something. Maybe some sort of a  
 9 movie or CD.  
 10 Q Okay.  
 11 A Just depended what I needed to buy. I may  
 12 have bought other stuff.  
 13 Q Okay.  
 14 What would you say the first time you went to  
 15 a Target store was?  
 16 A Well, I suppose I was very young. My family  
 17 has been to Target, you know, on many occasions.  
 18 Q Okay.  
 19 I think your declaration said you had been  
 20 shopping at Target stores for many years. I just wanted  
 21 a sense of something more specific than "many."  
 22 A Uh-huh.  
 23 Q But you said --  
 24 A Well, I'm 27, and so probably for at least 20  
 25 years.

1 You said you have gone two or three times.  
 2 Are those --  
 3 Have you gone to Target.com since you were  
 4 last deposed in this case?  
 5 A I may have visited the site to check on the  
 6 accessibility of it. I had heard rumors that the  
 7 Target.com website was being changed in order to make it  
 8 more accessible. I was curious what changes were being  
 9 made.  
 10 Q You say you may have. You don't remember if  
 11 you did or did not?  
 12 A I'm pretty sure I actually went on the site to  
 13 see what had changed.  
 14 Q And do you recall what you noticed at the  
 15 time?  
 16 A I don't really recall because the site is  
 17 rather large, and I didn't really want to spend a lot of  
 18 time investigating to see if every aspect of it was now  
 19 available.  
 20 Q So did you try --  
 21 So you didn't try since you were last deposed  
 22 to purchase anything from Target.com?  
 23 A No, no, I refuse to purchase anything from  
 24 Target until, you know, they are not discriminating  
 25 against people or making their website accessible.

1 Q And you didn't try to pre-shop, so to speak,  
 2 or obtain information before going to a store because of  
 3 the boycott, as well?  
 4 A That's correct.  
 5 Q Okay.  
 6 So in conjunction with your visits to Target  
 7 stores back when you were able to use your vision more  
 8 to access the Internet, did you use the website, the  
 9 Target.com website on any of those occasions to pre-shop  
 10 before going to a Target store?  
 11 A I don't think so because that would have  
 12 been -- that probably would have been prior to 2004. I  
 13 don't remember actually doing that prior to 2004.  
 14 Q Okay.  
 15 Do you remember doing that since 2004?  
 16 A I may have used the site to access some sort  
 17 of information before going to the store.  
 18 Q But you don't remember a specific occasion?  
 19 A Yeah, I do that quite frequently with a lot of  
 20 different stores, so I don't really keep track of which  
 21 ones I do and do not do it on. It's very likely that I  
 22 probably could have done that.  
 23 Q But you said you have only been to the website  
 24 two or three times; is that right?  
 25 A I have only been on -- I've only tried to

Page 72

1 purchase something on the website about two or three  
 2 times, or those two or three times. I may have actually  
 3 looked at the site for information prior to that, but...  
 4 Q So whether you were trying to purchase  
 5 something or just look at the site or look for  
 6 information, irregardless of what you were trying to do,  
 7 about how many times do you think you tried to access  
 8 the Target.com website?  
 9 A I really wouldn't be able to say. That would  
 10 be a bit of a guess, I think.  
 11 Q Well, like fewer than ten?  
 12 A I'd estimate that it probably was fewer than  
 13 ten. I would probably remember doing it more than ten  
 14 times.  
 15 Q So your estimate is fewer than ten times? You  
 16 think more than five times?  
 17 A Maybe. Maybe.  
 18 Q Okay.  
 19 You spoke in your last deposition about trying  
 20 to access the wedding registry.  
 21 A Uh-huh.  
 22 Q When you had difficulties with that, did you  
 23 ever try buying gifts for your friends from Target off  
 24 the registry at Target stores?  
 25 A I did not because the Bed Bath & Beyond site

Page 73

1 worked, and so on that particular occasion it was just  
 2 easier to get it online through Bed Bath & Beyond's  
 3 website.  
 4 Q There were no other occasions where you tried  
 5 to access the Target.com wedding registry?  
 6 A You mean through the website?  
 7 Q Correct.  
 8 A I believe that was the only time I tried to  
 9 access a wedding registry on the Target.com website.  
 10 Q How about at the stores, have you ever tried  
 11 to get wedding registry information at Target stores at  
 12 all?  
 13 A No, because I wouldn't really be able to  
 14 access the information in the store.  
 15 Q Why do you say that if you have never tried?  
 16 A Well, I would feel that I was putting a fairly  
 17 large burden on the store person because I would have to  
 18 ask them to read the list and read what was still  
 19 available, and then I'd have to ask them to go find it  
 20 off the shelf. And generally I find that it's much more  
 21 convenient for myself and other people to look at the  
 22 information online or access the information online  
 23 before I do anything.  
 24 Q Okay.  
 25 What about the baby registry, have you ever

Page 74

1 tried to use the baby registry on Target.com?  
 2 A I don't think so.  
 3 Q Okay.  
 4 Have you tried to --  
 5 When you were having difficulties using the  
 6 wedding registry, did you try calling Target's 800  
 7 number?  
 8 A I don't remember if I did or did not. I know  
 9 that I was probably pretty frustrated at that point just  
 10 because I had already spent a considerable amount of  
 11 time on the site in trying to get it to work. So if I  
 12 remember correctly, I was just so annoyed that I decided  
 13 to just leave the site entirely.  
 14 Q Did you ever try calling the 800 number for  
 15 help using the Target.com website on other occasions?  
 16 A I don't think I have because if you're -- if  
 17 you're already on a page ready to check out or make a  
 18 purchase or you're in some location, to go and find the  
 19 1-800 number on the site would require you to leave  
 20 where you are and go to some other place on the page.  
 21 And if it's an inaccessible or badly, poorly designed  
 22 page, then once you get somewhere, you don't really want  
 23 to go and leave your destination to try and find help.  
 24 Q Okay.  
 25 Have you ever tried to access the coupons on

Page 75

1 Target.com?  
 2 **A I don't think I have ever specifically tried**  
 3 **to access the coupons.**  
 4 Q Okay.  
 5 How did you find out about this litigation?  
 6 **A I am on a number of LISTSERVs, and I had heard**  
 7 **that Target.com was potentially being sued for not**  
 8 **making their website accessible. When I heard that some**  
 9 **settlement or mediation negotiations had taken place and**  
 10 **Target.com was asked to make their website accessible**  
 11 **but they refused, I decided that I wanted to be a part**  
 12 **of that suit.**  
 13 Q Okay.  
 14 And so did you respond to a request to provide  
 15 testimony or a declaration at that time?  
 16 **A I actually think I proactively contacted the**  
 17 **law firm or whoever was doing the suit at that time and**  
 18 **requested that I be a part of the suit.**  
 19 Q Okay.  
 20 What about filing your supplemental  
 21 declaration, what led you to do that?  
 22 **A I believe the attorneys from the Disability**  
 23 **Rights Advocates asked for a declaration.**  
 24 Q So they contacted you and asked you to file  
 25 another declaration?

1 so it's a topic of conversation when the disabled  
 2 community comes together, or at least the blind disabled  
 3 community.  
 4 Q So what -- more specifically, what did the --  
 5 what were people saying?  
 6 **A I had heard that Target.com was attempting to**  
 7 **make the website more accessible. I had heard that they**  
 8 **were attempting to make the checkout button actually**  
 9 **work. And that's about as specific as I can remember**  
 10 **anyone saying anything.**  
 11 Q Did anyone you heard from say that they were  
 12 able to check out?  
 13 **A I don't believe anyone saying that they**  
 14 **actually checked out.**  
 15 Q Were there --  
 16 Did you hear anything else about other changes  
 17 or improvements that were being made to the site besides  
 18 the checkout feature?  
 19 MS. ROBERSON: Objection; overbroad.  
 20 THE WITNESS: I had heard people say that they  
 21 were making improvements to accessibility, but I didn't  
 22 really hear anything super specific.  
 23 BY MS. PASZEK:  
 24 Q Except for with respect to the checkout  
 25 feature?

1 **A I believe so. I believe they wanted me to**  
 2 **clarify the second one or something along those lines.**  
 3 Q So they told you what sort of clarification  
 4 was --  
 5 MS. ROBERSON: At this point I'm going to  
 6 object because he is -- this is getting into  
 7 attorney/client.  
 8 MS. PASZEK: Okay.  
 9 BY MS. PASZEK:  
 10 Q So you had mentioned before that you had heard  
 11 some rumors that Target.com had improved recently; is  
 12 that right?  
 13 **A Yeah, I had heard rumors.**  
 14 Q Who did you hear those rumors from?  
 15 **A I heard those rumors from members of the blind**  
 16 **community.**  
 17 Q And how did you hear those rumors? People you  
 18 spoke with or was it on a LISTSERV or what kind of form?  
 19 **A It was probably through a LISTSERV. It could**  
 20 **have also been through word of mouth and in person.**  
 21 Q Do you recall speaking with people in person  
 22 about this?  
 23 **A I don't remember speaking with someone**  
 24 **specific, but the blind community is pretty tightknit,**  
 25 **and the issue with the website is pretty atrocious, and**

1 **A Yeah, that's the only specific thing that I**  
 2 **can recall people saying.**  
 3 MS. PASZEK: Okay. I think I'm ready for a  
 4 break if that's --  
 5 MS. ROBERSON: Wow. Sure.  
 6 (Recess taken at 1:56 p.m.)  
 7 resumed at 2:09 p.m.)  
 8 BY MS. PASZEK:  
 9 Q Okay.  
 10 I think when you were last deposed, you were  
 11 living in Palo Alto. Do you still live there?  
 12 **A No, I currently live in San Francisco.**  
 13 Q Okay.  
 14 And when is the last time that you tried to  
 15 access Target.com, would you say?  
 16 **A I don't remember. I mean, I -- I may have**  
 17 **looked around on it after I heard improvements were**  
 18 **being made, but there was no intention to buy anything.**  
 19 Q Right, but I'm just trying to pin down when  
 20 that was timewise.  
 21 **A It would have been after my last deposition.**  
 22 Q Was it within the last six months, do you  
 23 think?  
 24 **A I don't think it was within the last six**  
 25 **months.**

1 Q Okay.  
 2 And you said you have checked out the website  
 3 since you were last deposed, and you said not with the  
 4 intention of buying anything and not with the intention  
 5 of obtaining product information, but just to see what  
 6 the site was like; is that correct?  
 7 A Yes.  
 8 Q And about how many times did you try to do  
 9 that since you were last deposed?  
 10 A Oh, just once.  
 11 Q Just once.  
 12 Can you remember a specific instance in which  
 13 you tried to use Target.com to pre-shop or obtain  
 14 information about goods and services available at the  
 15 stores?  
 16 A I don't remember a situation where I was able  
 17 to get past the frustrating design of the web page so  
 18 that I could actually get to information that would have  
 19 helped.  
 20 Q But, I mean, did you ever -- did you ever go  
 21 to the website with the intention of obtaining that kind  
 22 of information is my question.  
 23 A It's possible. I mean, if, for example, when  
 24 my friend registered, if there was a fairly large item  
 25 on the registry that would have been expensive to ship,

1 that I was actually in some sort of a checkout phase and  
 2 just wasn't able to check out.  
 3 Q So was it -- I'm just trying to understand.  
 4 Was it that you were upset at Target because you had  
 5 this experience, and therefore, you didn't try to use  
 6 the website to obtain information before going to the  
 7 store, or was it more that due to your experience  
 8 attempting to use the website with the registry, you  
 9 thought you would not be able to access the information  
 10 that you were seeking?  
 11 MS. ROBERSON: Objection; compound.  
 12 THE WITNESS: Can you just --  
 13 BY MS. PASZEK:  
 14 Q I'm trying to understand.  
 15 You said you are boycotting Target right now,  
 16 so I'm trying to understand, you had this experience  
 17 trying to -- unsuccessful experience trying to use the  
 18 wedding registry, and you said that based on that, you  
 19 weren't going to try to use the website again in order  
 20 to, you know, for the purpose of pre-shopping.  
 21 So my question is: Was that because of this  
 22 sort of boycott sentiment that you were frustrated with  
 23 Target or -- and didn't want to patronize them, or was  
 24 it because you didn't think you would be able to find  
 25 the information you wanted on the website?

1 I may have wanted to go to the store and pick it up  
 2 instead of having it shipped, or depending on the date,  
 3 if the shipping wouldn't arrive at a certain time, I may  
 4 have wanted to go to the store. But I never got that  
 5 far because the registry didn't work. I think I was  
 6 actually trying to order it, so...  
 7 Q Well, what about besides the wedding registry  
 8 instance, was there ever an occasion where you said, you  
 9 know, "I'm planning on going to the store. Let me go to  
 10 the website and see if I can get information about  
 11 something before I go"?  
 12 A Well, after the wedding registry incident,  
 13 that's when I realized that this website really is a  
 14 problem, it's inaccessible, and so I never attempted to  
 15 purchase anything after that. I was quite offended that  
 16 Target wasn't being sensitive and catering to me as a  
 17 shopper, and so I, you know, decided to go other places  
 18 that would have accessible websites.  
 19 Q But your difficulty with the wedding registry  
 20 was -- did you get to the point where you were trying to  
 21 check out?  
 22 A I believe I did get to some sort of a checkout  
 23 phase or something. It's difficult to say because the  
 24 website sometimes is hard to figure out where exactly  
 25 you are. But from, as best as I can say, it appeared

1 A Well, it's both. I mean, I'm boycotting the  
 2 site because the information isn't available or the  
 3 checkout doesn't work. And if the information was  
 4 available, then there wouldn't have been a problem and I  
 5 would have looked for the information. But, I mean, it  
 6 wasn't available, and so...  
 7 Q Do you remember what sort of information --  
 8 Is there particular information that you were  
 9 seeking on any occasion about a particular product?  
 10 A It would depend on the product.  
 11 Q I'm not asking vaguely. I'm asking  
 12 specifically, did you ever go to the website to try and  
 13 obtain information about, you know, shoes or clothes or,  
 14 you know, TVs, or was there any specific instance when  
 15 that happened?  
 16 A I don't recall a specific instance where I can  
 17 say that I purchased a specific item or went to look for  
 18 specific information about a specific item with the  
 19 intent to go purchase it at the store.  
 20 Q Okay.  
 21 So I think the last time you were deposed, you  
 22 mentioned trying to buy the wedding gift for your  
 23 friends and also trying to buy cooking items.  
 24 Are there other products that you remember  
 25 trying to purchase on the website?

1 A I don't recall. It's been a while since I've  
 2 shopped, so it's difficult to remember. I purchase a  
 3 lot of stuff online or in the stores, and so it's very  
 4 difficult to keep track of everything that I buy and  
 5 where I buy it from.  
 6 Q Okay.  
 7 If Target.com were to become more accessible,  
 8 would you still boycott it based on your past  
 9 experiences?  
 10 A No. If Target, you know, made amends for the  
 11 way that they have treated the blind community and made  
 12 improvements to their site, I would definitely shop at  
 13 their store.  
 14 MS. PASZEK: I'm going to take another quick  
 15 break to see if there is anything else I missed.  
 16 (Recess taken at 2:17 p.m.  
 17 resumed at 2:24 p.m.)  
 18 BY MS. PASZEK:  
 19 Q So when you checked out Target's website since  
 20 your last deposition, did you notice any changes?  
 21 A I don't remember any changes. It was sort of  
 22 a brief visit just to see if I could notice anything  
 23 different. But I was distracted by other stuff and  
 24 time, you know, started going by. So I really didn't  
 25 get to spend as much time as would have been necessary

Page 84

1 to see what kind of changes had been made.  
 2 Q Okay.  
 3 So your efforts to use Target.com that you  
 4 have testified about before for purchasing cookware,  
 5 cooking items, and the wedding gift for your friends,  
 6 you were able to find the items that you were looking  
 7 for on the site on those occasions, correct?  
 8 A I--  
 9 Q I'm talking about before checkout.  
 10 A I believe I must have been able to find  
 11 something in some way. I can't be 100 percent confident  
 12 that what I found made it into the shopping cart and was  
 13 actually checking out, but yeah, I seem to remember  
 14 being able to locate certain items.  
 15 Q So, for example, you were able to locate the  
 16 prices of the items?  
 17 A I don't remember exactly what I was able to  
 18 locate and what I was not able to locate on the specific  
 19 item.  
 20 Q But enough that you knew it was what you  
 21 wanted for purposes of trying to put it in the cart?  
 22 A Yeah, there must have been some sort of  
 23 identification information available on an item, if I  
 24 remember finding it.  
 25 Q Do you remember what you were trying to buy

Page 85

1 your friends for the wedding?  
 2 A I don't remember what I was trying to buy  
 3 them. Probably something on their list, maybe something  
 4 on the cheaper end of their list.  
 5 Q So you were able to access the items on the  
 6 list and their prices?  
 7 A I think so.  
 8 Q Okay.  
 9 And with respect to the other items you were  
 10 trying to buy, I think it was described as cooking items  
 11 before. Do you remember more specifically what those  
 12 items were?  
 13 A I remember wanting to get a wok. I like to  
 14 cook Indian food every once in a while, and I wanted to  
 15 purchase a wok at the same time as doing the wedding  
 16 registry, if my memory serves me correctly.  
 17 Q Okay.  
 18 Were you able to determine if Target.com  
 19 carried woks?  
 20 A I don't remember. If I -- I remember I've  
 21 actually purchased a wok, so I know I bought it from a  
 22 site other than Target. So I can't remember if the wok  
 23 that I saw on the website was at the Bed Bath & Beyond  
 24 store or if it was at the Target store or if it was at a  
 25 third website separate.

Page 86

1 Q Okay.  
 2 But is it fair to say that the problems you  
 3 experienced when you were trying to purchase those items  
 4 was mainly during the checkout process?  
 5 A I would say that the biggest problem was a  
 6 problem with the checkout button. I found there were  
 7 certain annoying things, like things not being labeled  
 8 very well or just a general -- just a general difficulty  
 9 in trying to navigate around the site. But I remember  
 10 that sort of the main thing being the checkout button.  
 11 MS. PASZEK: Okay. All right. I think that  
 12 covers everything I have. So we're all set for now.  
 13 Thanks very much for coming over here.  
 14 THE WITNESS: No problem.  
 15 MS. ROBERSON: My God. That's impressive.  
 16 MS. PASZEK: What's that?  
 17 MS. ROBERSON: Only been an hour, if that.  
 18 THE REPORTER: Did you want a copy of this?  
 19 MS. ROBERSON: Yes, please.  
 20  
 21 (Deposition session concluded at 2:30 p.m.)  
 22  
 23  
 24  
 25

Page 8'



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, TIM ELDER, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_\_  
(city) (State)

\_\_\_\_\_  
TIM ELDER

1 STATE OF CALIFORNIA )  
):ss  
2 COUNTY OF SAN FRANCISCO )  
3

I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that the verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
KELLI COMBS, CSR NO. 7705