

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

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

10 vs.)

Case No. C 06-01802 MHP

11 TARGET CORPORATION,)
)
12 Defendant.)
)

13
14 Deposition of
15 OLGA PETERKIN
16 June 19, 2007
17
18
19

20 Reported by
Victoria L. Hunt
CSR 4181

21
22 SHARI MOSS & ASSOCIATES
Certified Shorthand Reporters
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 4 EXAMINATION BY MS. PASZEK 4
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 7 EXHIBITS
 8 (None)
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Page 2

1 OLGA PETERKIN,
 2 having been first duly sworn, testified as follows:
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 4 EXAMINATION
 5 BY MS. PASZEK:
 6 Q My name is Kristina Paszek. I'm an attorney
 7 representing Target in this case.
 8 Have you ever been deposed before?
 9 A Have I been where?
 10 Q Have you had your deposition taken before?
 11 A Oh, no.
 12 Q So I'll tell you a little bit about how it works.
 13 Basically, I ask questions and you answer them,
 14 and then the court reporter is taking this all down. So
 15 we should just try to be careful not to speak at the same
 16 time to make it a bit easier on the court reporter.
 17 And then if at any time you want to take a break,
 18 just let us know and we can do so. I just ask that if
 19 there is a question pending that you answer any pending
 20 questions before we take a break.
 21 Have you taken any medications or done anything
 22 else that might cause your testimony to not be truthful
 23 and accurate today?
 24 A No.
 25 Q Okay, good.

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1 BE IT REMEMBERED that, pursuant to the laws
 2 governing the taking and use of depositions, and on
 3 June 19, 2007, commencing at 3:15 p.m. thereof, at the
 4 Sheraton Hotel, 900 South Disneyland Drive, Anaheim,
 5 California, before me, VICTORIA L. HUNT, a Certified
 6 Shorthand Reporter in the State of California, personally
 7 appeared
 8 OLGA PETERKIN,
 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 SCHNEIDER & WALLACE, 180 Montgomery Street, Suite
 13 2000, San Francisco, California 94104, represented by
 14 RACHEL BRILL, Attorney at Law, appeared as counsel on
 15 behalf of Plaintiffs.
 16 MORRISON & FOERSTER, LLP, 425 Market Street, San
 17 Francisco, California 94105-2482, represented by KRISTINA
 18 PASZEK, Attorney at Law, appeared as counsel on behalf of
 19 Defendant.
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1 Could you please state your name for the record.
 2 A My name is Olga Peterkin.
 3 Q Great.
 4 So you use screen reader software on your
 5 computer, is that right?
 6 A Yes.
 7 Q And what kind of screen reader software?
 8 A It's JAWS for Windows.
 9 Q Okay. And about how long have you been accessing
 10 the internet with JAWS?
 11 A About ten years.
 12 Q Okay. And so you've used various versions of
 13 JAWS; is that right?
 14 A Yes, I have.
 15 Q Do you know approximately how many or how often
 16 you've upgraded?
 17 A About six versions.
 18 Q And is there any other screen reader software
 19 that you use?
 20 A No.
 21 Q So I'm just going to ask you a bit about your
 22 attempts to access Target Dot Com.
 23 When was the first time that you tried to access
 24 that website?
 25 A I tried to access that website in '03 the first

Page

1 time.
 2 Q And what were you trying to accomplish that time?
 3 A I was going on the site to review or preview some
 4 info about items I was looking for.
 5 Q Were you intending to buy those items on line or
 6 at the store itself?
 7 A I was intending to buy those on line.
 8 Q Okay. Do you remember what the items were?
 9 A I was looking at patio furniture at that time.
 10 Q And were you able to buy the patio furniture on
 11 that occasion?
 12 A No, I was not able to buy it.
 13 Q What kind of problem, what prevented you from
 14 doing so?
 15 A Well, a couple of things. I was not able to
 16 navigate real well through the site because the screen
 17 reader was not able to read some of the information.
 18 And also I was not able to check out because you
 19 have to be sighted to move the mouse to click on the
 20 buying icon. Or it's a image or something.
 21 Q And about how long would you say you spent on
 22 that occasion trying to do that transaction?
 23 A Oh, gosh. I probably spent about an hour and a
 24 half.
 25 Q Okay. Did you try to buy the furniture at a

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1 Target Store itself afterward?
 2 A Yes. I go in the store and buy what I need, but
 3 it's inconvenient; that if I have to buy something big,
 4 because I use the bus, I have to try to recruit somebody
 5 to drive me, and that's not always available to me. So it
 6 really would make it nice if we were able to access the
 7 website fully to be able to do that and have it delivered.
 8 Q Right.
 9 So in the particular case of the patio furniture,
 10 did you end up buying patio furniture?
 11 A No, I did not end up buying it at that time,
 12 because I was frustrated. And I thought, well, I'll just
 13 go somewhere else. And I did access another website that
 14 was fully accessible.
 15 Q And you bought the patio furniture from another
 16 website?
 17 A Yes, yes.
 18 Q Do you remember where -- what website that was?
 19 A That was Wal-Mart Dot Com.
 20 Q Okay. And you had the patio furniture
 21 delivered --
 22 A Yes, I did.
 23 Q -- to your home?
 24 A Yes.
 25 Q Okay.

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1 What about the next occasion when you tried to
 2 use Target Dot Com?
 3 A The next -- You want to know when?
 4 Q Yeah, when.
 5 A Oh, the last occasion or next to the last would
 6 probably be a year and a half from now.
 7 Q So what year is that, would you say?
 8 A That would probably be '05.
 9 Q Okay. And what were you trying to do on that
 10 occasion?
 11 A I was, again, looking to see if I could -- I
 12 guess I was hoping that maybe some things had changed and
 13 was trying to look at things before I went into the store,
 14 because I like to look at -- be able to preview products
 15 before I go into the store and try to get an idea of what
 16 it is I'm after, because I have to use the bus.
 17 Q Right. So was the -- Tell me about your
 18 experience using the website there in 2005.
 19 A No, I was not able to gather all the information
 20 I needed to get. And again, I wasn't able to check out.
 21 Q What were you trying to purchase on that
 22 occasion?
 23 A That occasion it would have been small things,
 24 like toilet paper, paper towels.
 25 Q Okay. Anything else?

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1 A No.
 2 Q Okay. Can you tell me a bit more specifically
 3 about what problems you encountered on the site? Was it
 4 the same problems you described before with respect to
 5 checking out, or were there other --
 6 A Well, some of the -- when you click to read about
 7 an item or a product, you're not able to read. The
 8 information somehow gets crossed and you can't really
 9 click on something because the JAW screen reader and the
 10 site aren't compatible together. So you almost have to
 11 have somebody sighted to click with the mouse to be able
 12 to get exactly where you want to go because you can't
 13 navigate through it with JAWS.
 14 Q And so this occurs when you are searching for the
 15 items in the first instance?
 16 A Yeah, and also checking out, trying to actually
 17 buy, purchase something.
 18 Q You said you think this was in 2005. Do you have
 19 any idea when in 2005?
 20 A Late in the year.
 21 Q And those are the only two times when --
 22 A Yes. I haven't been back for the same reason
 23 that -- like, what's the point?
 24 Q So you haven't been back to the website since
 25 then?

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1 **A Right.**
2 Q About how often do you go to Target Stores?
3 **A About twice a month.**
4 Q And what -- what sort of items do you purchase
5 there?
6 **A Oh, batteries. This last time I was in there I**
7 **bought sheets, cleaning supplies, mops.**
8 Q Anything else?
9 **A On occasion, clothing, movies. We have purchased**
10 **some electronics, small electronic appliances there.**
11 Q Okay. What about food?
12 **A No.**
13 Q I think in your declaration you mentioned an
14 interest in the gift registries.
15 **A Um-hum.**
16 MS. BRILL: Which declaration are you talking
17 about? There are two of them.
18 MS. PASZEK: I think it was --
19 THE WITNESS: You mean the baby shower?
20 BY MS. PASZEK:
21 Q Yeah. I can look back. I believe it was in the
22 first one that was filed, which was then resubmitted.
23 Yeah, it looks like in the declaration it was
24 filed both in February and then in May as an exhibit. It
25 says: "I would like to access wedding and baby registries

1 **had been to the site and had had problems with that site**
2 **or any other site. So he was taking names and contact**
3 **information to contact these individuals.**
4 Q Okay. And what made you decide to file the
5 declaration?
6 **A What made me decide to do that? Because I would**
7 **like to see and I would like to enjoy the privilege of**
8 **shopping on-line with Target because I like Target.**
9 Q And why do you like Target?
10 **A Why?**
11 Q Yeah.
12 **A Well, they have good products and their prices**
13 **are good.**
14 Q And what about the second declaration you
15 prepared, what led you to file that one?
16 **A For the same reason. I like shopping at Target**
17 **and I want -- if I have a lot of stuff that I need to buy**
18 **and I don't have a set of wheels, a person with a set of**
19 **wheels that's available to me, I want to be able to sit**
20 **down and, okay, I can order this now and they will have it**
21 **delivered to me the following day. So I want to have that**
22 **availability.**
23 MS. PASZEK: I think I'd like to take a quick
24 break if that's okay.
25 MS. BRILL: Okay.

1 on Target Dot Com."
2 Have you attempted to access them?
3 **A No, I have not accessed those.**
4 Q Did you try to access them?
5 **A No.**
6 Q What about coupons? Your later declaration
7 mentions that you would like to have the opportunity to
8 use those. Have you tried to access coupons on the Target
9 Dot Com website?
10 **A No, I haven't. Since I had so many problems with**
11 **the others, I was kind of discouraged.**
12 Q How did you find out about the lawsuit that we
13 are involved in now?
14 **A I was at the convention, the N.F.B. convention, a**
15 **year -- let's see -- a year and a half ago. So that would**
16 **have been the '05 convention. That was a State of**
17 **California convention.**
18 Q And where did that occur?
19 **A That was -- that one they had in Sacramento, I**
20 **believe.**
21 Q And more specifically, how did you find out about
22 it at that convention?
23 **A Well, I was -- How did that happen? There was a**
24 **gentleman taking names at one of the conferences we had**
25 **just come out of, and he was taking names of people that**

1 (Brief recess taken).
2 BY MS. PASZEK:
3 Q You mentioned in one of your other declarations
4 that the majority of websites you've used are more
5 accessible than Target Dot Com. Can you give me some
6 examples of websites you found less accessible than Target
7 Dot Com?
8 **A Less accessible?**
9 Q Yes.
10 **A No.**
11 Q Okay. About how often would you say you use
12 retailer websites to pre-shop or to preview products
13 before you go into the stores?
14 **A Quite often.**
15 Q Like once a week or --
16 **A Okay. At least a couple of times a month.**
17 Q About how much time would you say you spend on
18 the -- using the internet on average in a given day?
19 **A How many hours?**
20 Q Yeah, or in a day or in a week.
21 **A Four or five hours.**
22 Q Per day or per week?
23 **A Per day.**
24 Q And so you may have answered this, but why do you
25 say you haven't tried to use Target Dot Com since 2005?

1 **A I have not gone back to the website simply**
2 **because I am not able to read or navigate through it**
3 **without dragging in a sighted person.**
4 Q Sometimes when you get upgrades to JAWS, does
5 that improve your ability to navigate during websites?
6 **A No, not necessarily. Do you want a more specific**
7 **answer?**
8 Q Sure.
9 **A Well, JAWS will read text, you know. JAWS does**
10 **not recognize images. Like, sometimes you have to click**
11 **on images to navigate somewhere on the site; and if those**
12 **images are not labeled for JAWS to recognize them, JAWS**
13 **will not read it. It won't even recognize it.**
14 **So if there is a buy button or if there's an icon**
15 **to click to find out about something, JAWS won't recognize**
16 **it.**
17 Q Have you talked to others who use screen reader
18 software about the state of the Target Dot Com website
19 recently?
20 **A No.**
21 Q Have you been to any N.F.B. conventions since the
22 one you mentioned before in 2005?
23 **A Yes, I went to this one in October in Irvine.**
24 Q And did you discuss the Target Dot Com website
25 then?

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1 **A I didn't really discuss it with anyone there. A**
2 **bunch of us left contact information.**
3 **I'm trying to think when I was first contacted**
4 **about this to state my case, or whatever it may be. But I**
5 **think there was just a gentleman there looking for people**
6 **who had had problems at this last convention.**
7 Q Do you remember if there were folks there who had
8 used --
9 **A No, I didn't talk to anyone else about it.**
10 Q You didn't?
11 **A No.**
12 Q Okay.
13 Do you buy clothing on-line from retailers?
14 **A No.**
15 Q Retailers other than Target.
16 **A No.**
17 Q Do you ever pre-shop for clothing using websites
18 before going to retailers first?
19 **A Not for clothes.**
20 Q But just for other items?
21 **A Yes.**
22 MS. PASZEK: I think I don't have any more
23 questions for now, so I think we are all set.
24 MS. BRILL: Okay, great.
25 (Whereupon, deposition concluded at 3:40 p.m.)

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6 I declare under penalty of perjury that the
7 foregoing transcript of my deposition testimony is true
8 and correct.
9 Executed at _____,
10 California, this _____ day of _____, 2007.
11
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14 _____
15 Olga Peterkin
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