

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL FEDERATION OF THE
BLIND, THE NATIONAL FEDERATION
OF THE BLIND OF CALIFORNIA,
on behalf of their members,
and BRUCE SEXTON, on behalf
of himself and all others
similarly situated,

Plaintiffs,

vs.

Case No.

C06-01802 MHP

TARGET CORPORATION,

Defendant.

_____ /

Deposition of

STEVEN BOOTH

June 21, 2007

SHARI MOSS & ASSOCIATES
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Reported By:

Nancy P. Richmond, RPR

1 INDEX
2 DEPOSITION OF STEVEN BOOTH
3 THURSDAY, JUNE 21, 2007

5 EXAMINATION BY: PAGE:
6 MR. KLESTOFF..... 4

9 EXHIBITS: DESCRIPTION: PAGE:

11 (NO EXHIBITS MARKED AT THIS TIME.)

1 BE IT REMEMBERED that, pursuant to the laws
2 governing the taking and use of depositions, and
3 on Thursday, June 21, 2007, commencing at 9:30
4 a.m., thereof, at the Law Offices of Brown,
5 Goldstein & Levy, 120 E. Baltimore Street, Suite
6 1700, Baltimore, Maryland 21202, before me, Nancy
7 P. Richmond, Registered Professional Reporter and
8 Notary Public for the State of Maryland,
9 personally appeared,

10 ---

12 STEVEN BOOTH
13 a witness, called for examination, having been
14 first duly sworn, was examined and testified as
15 follows:

16 EXAMINATION BY MR. KLESTOFF:

17 Q. Mr. Booth, like I said earlier, my name
18 is Alexei Klestoff. I'm from the law firm of
19 Morrison & Foerster, and we're representing Target
20 Corporation in this action.

21 Can you please state your name for the
22 record?

23 A. Yes, Steven, S-T-E-V-E-N, Booth,
24 B-O-O-T-H.

25 Q. I'm going to go over the procedures a

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1 little bit. Your testimony is under oath, like
2 you'd be testifying in front of a court. I'm
3 going to ask you questions, and you answer them to
4 the best of your ability.

5 And if any questions are unclear, let me
6 know. If you're tired and need a break, let me
7 know. I just ask that, if there's a question
8 pending, you give me the answer before we take a
9 break.

10 Is there any reason you couldn't testify
11 fully and truthfully today?

12 A. No.

13 Q. Have you ever been deposed before?

14 A. No.

15 Q. And what did you do to prepare for this
16 deposition?

17 A. Reviewed some notes that I had from an
18 affidavit that I presented earlier and did some
19 general reviews of software programs and such
20 items on my P.C., just made sure I'm kind of up to
21 date on what I'm talking about.

22 Q. What do you mean, general reviews of
23 software programs? What did you do specifically?

24 A. Just checked my versions of software
25 that I'm running and made sure that the P.C.'s are

1 up to date and got the current stuff, and Internet
2 Explorer, made sure I've got the right versions so
3 I knew which ones I was testing with and
4 everything.

5 Q. So you ran some tests -- is that
6 yesterday?

7 A. Well, not tests, but, I mean, yes, just
8 verifying the programs and stuff and running the
9 programs.

10 Q. Okay. Can you give me a brief rundown
11 of your educational background, please?

12 A. Went to high school in Massachusetts and
13 then went to various colleges, ended up with a
14 undergraduate four-year degree in political
15 science from a Catholic college, Assumption
16 College, in Worcester, Massachusetts. Long time
17 ago now, but still kind of remember it.

18 Q. Can give me a brief rundown of your
19 employment history?

20 A. I worked in -- oh, one time I worked in
21 the radio business, and then worked in a public
22 library in a specialized program, and then went on
23 to work for a company called Kurzweil Computer
24 Products, K-U-R-Z-W-E-I-L, after the name of the
25 founder. And they produced products that we

1 A. Oh, many products.

2 MR. GOLDSTEIN: Let him finish the
3 question before you start to answer,
4 Mr. Booth.

5 Q. What types of screen access software
6 have you run tests on or evaluated?

7 A. A number of products, JAWS for Windows,
8 another product called Window-Eyes, another thing
9 called Dolphin -- oh, boy, can't remember the name
10 of it now -- Dolphin Access System is the company
11 that makes it. They're out of the U.K.

12 And some other, Apple Voicewear. But
13 the main ones are JAWS and Window-Eyes, which are
14 the two most common screen access programs.

15 Q. What screen access program do you use?

16 A. JAWS, most frequently.

17 Q. And why is that?

18 A. Because it was the first one I started
19 with and just use it. It works, and it's the one
20 I'm most familiar with, and so -- and I paid for
21 it, don't have to buy it over again.

22 So I just sort of keep using it until it
23 no longer functions or it's outdated. So as long
24 as they keep updating it and using it, I guess
25 I'll keep using it.

1 printed and converted to speech, among other
2 things, so adaptive products.

3 And then after that, worked for a number
4 of years in a Braille production company in
5 Boston, where we did a lot of Braille production.

6 And then I came to Baltimore to come to
7 the National Federation of the Blind, where I now
8 work, currently work.

9 Q. And what's your job title?

10 A. Access technology specialist.

11 Q. And what does that -- what are your job
12 duties?

13 A. Evaluating and testing access technology
14 of all types, both hardware and software,
15 providing tours of our facility and demonstrations
16 of products and some training to newly blind
17 customers, new to the access technology field. If
18 they're not familiar with all this stuff, we try
19 to get them started.

20 Q. And in your evaluation and testing of
21 software, does that include evaluation and testing
22 of screen access software?

23 A. Yes.

24 Q. What types of screen access software
25 have you --

1 Q. Are you aware of any differences between
2 JAWS and Window-Eyes?

3 A. There are minor differences, because we
4 have to test -- we test all the programs. So
5 there are some minor differences. But most of
6 them have to do with how you -- how you use the
7 keyboard, what hot keys you press. Most of the
8 differences are about that.

9 So, the feel of the product, you know,
10 it's sort of like, why would you drive a Chevy or
11 drive a Ford? One product feels good to somebody,
12 and another product may feel good to somebody
13 else.

14 But there's not a great deal of
15 difference, other than that. There used to be,
16 but not so much now.

17 Q. What were the differences when --

18 A. Oh, in early versions there were all
19 kinds of trouble with applications not working
20 with one another, because in the early days, you
21 know, the software wasn't developed as much as it
22 is now.

23 But I've seen in recent years that
24 difference narrowing quite a bit.

25 Q. And when you say in the early days --

Page 10

1 A. Oh, back in '99, '98, you know, when
 2 Windows 95 was still out and the early days of 98,
 3 Windows 98.
 4 Q. What version of JAWS are you using
 5 currently?
 6 A. Version 8.
 7 Q. And you've used multiple versions of
 8 JAWS over time?
 9 A. I've used every version since 3.2.
 10 Q. So you've regularly upgraded --
 11 A. Oh, always, always updated.
 12 Q. Have you used these versions for access
 13 to Internet?
 14 A. Yes.
 15 Q. Have you noticed any differences in the
 16 capability of it in accessing the Internet over
 17 time?
 18 A. Yeah. They keep getting better. I'd
 19 say here in the blindness field we take two steps
 20 forward and one step back. We're always catching
 21 up, because the web is moving so fast that there's
 22 nothing that can keep up. So you're always
 23 playing catch-up in the screen access world.
 24 But they are getting better. Both
 25 products, all of them are getting better. But

Page 11

1 you're always catching up, always playing
 2 catch-up.
 3 Q. How would you describe your skill level
 4 with JAWS?
 5 A. Oh, very good. Oh, maybe excellent. I
 6 can't be modest. I use a lot. I'm a power user.
 7 Q. Okay. And how did you learn to use
 8 JAWS?
 9 A. Mostly self-taught. Got the program
 10 and, you know, read the manual and talked with
 11 other users. I mean, you know, because other
 12 people were using it, we all kind of learn from
 13 each other.
 14 I never took a course or anything. I
 15 just self-taught, looked at the manual and talked
 16 with other users.
 17 Q. Have you had any problems with JAWS over
 18 the years?
 19 A. Oh, from time to time. I mean, whether
 20 it's JAWS or Windows, the operating system itself,
 21 I mean, the system crashes from time to time. You
 22 know, it's not fully stable, but neither is
 23 Windows. And that's just the nature of the beast.
 24 And so, yeah, there's been occasional
 25 trouble, but not a great deal. I mean, for the

Page 12

1 most part, it runs reliably. And when it does
 2 crash, you just restart and usually you can clear
 3 it up. Just reboot your system and start again if
 4 it really locks up totally.
 5 Q. And you mentioned that it locks up.
 6 Have there been any other problems that you've
 7 experienced with JAWS?
 8 A. Well, it's hard to tell, I mean, with
 9 JAWS or Windows or the application you're in.
 10 There's so many factors that can go wrong that
 11 it's really difficult. It's the combination of
 12 the stuff that can cause the problems.
 13 So I don't know from one from the other,
 14 whether it's Windows crashing, whether it's the
 15 combination of JAWS and Windows, whether it's the
 16 Net, whether it's -- it could be a number of
 17 things that could cause the crashing. And I'm not
 18 sure what they are. I don't know enough about
 19 them.
 20 Q. And are the problems that you
 21 experience, are they mostly just the program
 22 freezing up?
 23 A. That's the most irritating one. And
 24 there are other problems, when an application or
 25 website doesn't work, doesn't talk.

Page 13

1 Q. And are you aware of the specific
 2 problem when that happens?
 3 A. Oh, you know when it's happened, 'cause
 4 you can't do anything.
 5 Q. Can you tell if it's a problem with JAWS
 6 or with Windows?
 7 MR. GOLDSTEIN: Objection to form. Can
 8 you tell what?
 9 Q. Can you tell if the inability to -- the
 10 problem you just described, the inability to get
 11 the website to talk, is that a problem -- do you
 12 know if that's a problem with JAWS or Windows?
 13 A. No. I mean, it's a combination. The
 14 two working together are not working.
 15 So I don't know -- there's no way, as a
 16 user, that I can tell exactly what's causing the
 17 problem. All you know is that when you come to
 18 something that doesn't work, the application or
 19 the website or whatever you're going to always
 20 fails, then that's for the technical folks to
 21 decide. What's causing that, I don't know. You
 22 just report it in and say, "This is not working."
 23 It's a combination. It's JAWS and the
 24 application or the website you're dealing with
 25 that's not functioning.

1 Q. But you're not able to tell definitively
 2 one way or the other --
 3 A. No, I certainly cannot, no.
 4 Q. How long have you been using the
 5 Internet?
 6 A. Well, all the way since -- I don't know
 7 when I started using it, actually. I guess before
 8 it was the Internet, before the Worldwide Web.
 9 Used it back in 1989, I think, when it was called
 10 the World, or whatever it was called, Xerox World,
 11 or whatever we were calling it in those days.
 12 And then when the web came out in the
 13 mid nineties, ever since Windows -- probably
 14 Windows 95, when that entered the fray. Been
 15 using it ever since.
 16 Q. How often do you use the Internet?
 17 A. Oh, every day, very often.
 18 Q. Can you give me some examples of what
 19 you use the Internet for?
 20 A. Oh, yes. Go to the weather data,
 21 weather sites quite often. One of my favorite
 22 places to go is the National Weather Service,
 23 looking at weather data. MLB, major league
 24 baseball, MLB.com, quite often. Went to it this
 25 morning, checked last night's scores.

1 right off the top that come to mind.
 2 MR. KLESTOFF: Can you read that answer
 3 back to me?
 4 (Thereupon, the record was read by the
 5 reporter as follows: "A. Well, I've been on
 6 Amazon.com, not as much recently, but I've
 7 used it a lot at one point, not as much now.
 8 And then all the access technology sites, the
 9 makers of JAWS, FreedomScientific.com, and,
 10 of course, GWMicro, all one word,
 11 G-W-M-I-C-R-O.com. That's the site of
 12 Window-Eyes.
 13 And we have to check the sites of all
 14 the products that we're dealing with, so
 15 we're constantly on those sites, and many,
 16 many more.
 17 That's just a few of the companies.
 18 I've been on the G.E. website. I've been
 19 on -- you know, hard to remember, so many of
 20 them. But those are some of the major ones I
 21 can think of right off the top that come to
 22 mind.")
 23 A. The JAWS one is known as
 24 FreedomScientific.com.
 25 Q. And are there any other websites you go

1 I do go to some airline sites, because I
 2 have -- want to check flights or reservations
 3 before traveling.
 4 And some shopping on the Net, places --
 5 your site among them, Target, Marshall's, Sears,
 6 been to Sam's Club a lot, Wal-Mart, many others.
 7 I mean, just a pile of them. I mean,
 8 I'll try it. If I find something I want to try,
 9 I'll go and try it.
 10 Q. What other shopping websites do you go
 11 to, aside from the ones you've described to me?
 12 A. Well, I've been on Amazon.com, not as
 13 much recently, but I've used it a lot at one
 14 point, not as much now. And then all the access
 15 technology sites, the makers of JAWS,
 16 FreedomScientific.com, and, of course, GWMicro,
 17 all one word, G-W-M-I-C-R-O.com. That's the site
 18 of Window-Eyes.
 19 And we have to check the sites of all
 20 the products that we're dealing with, so we're
 21 constantly on those sites, and many, many more.
 22 That's just a few of the companies.
 23 I've been on the G.E. website. I've been on --
 24 you know, hard to remember, so many of them. But
 25 those are some of the major ones I can think of

1 to do personal shopping?
 2 A. Well, as I said, the Sears, the
 3 Marshall's, the Sam's Club a lot, the Wal-Mart.
 4 I've been on some food sites, Giant
 5 Foods, which is Baltimore area, the Mars
 6 Supermarkets here, which is a local area food
 7 outlet.
 8 What else? Google, of course, the
 9 search engine is very useful. A lot of government
 10 sites, which, I guess, are not shopping. Well,
 11 some of them are, but most, you know. The Library
 12 of Congress.
 13 Start thinking about it, it's hard to
 14 really focus on all the ones.
 15 Q. Okay.
 16 A. You name them; I've been there. I mean,
 17 I've been to a lot of them.
 18 Radio station sites, lots of those, lots
 19 of them around the country. I get the audio,
 20 XMradio.com. I own a XM radio, so I go there a
 21 lot, 'cause I have to use that service. I paid
 22 for it so I can use it. Use that one almost every
 23 day, actually.
 24 And the weather site, I guess, is the
 25 most common one. The National Weather Service is

1 my favorite.

2 Q. Okay. Let's start with Marshall's. Do
3 you ever make online purchases at Marshall's?

4 A. No. I've never actually purchased
5 something, but I look at the site to see what
6 they've got. Don't think I ever completed a
7 purchase on it that I know of, just go on and look
8 at things.

9 If I think I'm going to go to the store
10 for some reason, I'll go and check out stuff that
11 they might have and, you know, get a sense of -- I
12 kind of like to do a lot of pre-shopping. I mean,
13 I still like to go to the store to buy the stuff,
14 but I enjoy doing the kind of searching and
15 pre-shopping to look for stuff that I might be
16 interested in, what might be there before I go.

17 Q. Do you always log onto the Marshall's
18 website before you go to the physical store?

19 A. No, no, but quite often.

20 Q. Have you ever had any problems with the
21 Marshall's website?

22 A. No.

23 Q. And what types of things do you buy at
24 Marshall's?

25 A. Small items. I mean, you know, I

1 if I remember right, and some clothing items,
2 casual -- casual clothing items.

3 Q. Okay. Have you had any problems with
4 the Sears website?

5 A. No.

6 Q. And have you had any problems purchasing
7 items at the store?

8 A. At the store. In the store, you mean?

9 Q. In the store, yes.

10 A. No.

11 Q. And let's move on to Sam's Club. Do you
12 ever make online purchases at Sam's Club?

13 A. No.

14 Q. And do you go online before you make
15 purchases in the store?

16 A. Yes.

17 Q. Do you always do that?

18 A. Not always, but sometimes.

19 Q. And have you ever had any problems with
20 Sam's Club's website?

21 A. No.

22 Q. Any problems making purchases at the
23 physical Sam's Club store?

24 A. No.

25 Q. Do you ever make any online purchases at

1 suppose gadgets, stuff that I want to play around
2 with, not usually major things, small clothing
3 items, something that I might want or need.

4 Q. Have you had any problems purchasing the
5 items you wanted at --

6 A. No.

7 Q. -- the physical store?

8 MR. GOLDSTEIN: Do let the attorney
9 finish his question before you answer,
10 Mr. Booth.

11 Q. And so let's move on to Sears. Do you
12 ever make online purchases at Sears?

13 A. No. I just look for stuff before going
14 to the store.

15 Q. Do you always go online before you --

16 A. No, not always.

17 MR. GOLDSTEIN: The next question, let
18 him get it all the way out before you answer
19 it so at least there's some possibility that
20 the question he's posing is the one you're
21 answering.

22 Q. What types of items do you purchase at
23 Sears?

24 A. Some small appliances, kitchen
25 appliances. I think I bought a fan not long ago,

1 Wal-Mart?

2 A. No, not online, not online purchases,
3 no.

4 Q. Have you had any problems with
5 Wal-Mart's website?

6 A. No.

7 Q. Any problems making purchases at
8 Wal-Mart's physical store?

9 A. No.

10 Q. And then I assume you make purchases
11 online on Amazon.com; is that correct?

12 A. Yes.

13 Q. Have you ever had any problems with
14 Amazon's website?

15 A. It's fairly complex, but usable. So
16 sometimes I'll have some difficulty finding a
17 particular item. But usually you can search on it
18 or I'll come up with enough data to find what you
19 want.

20 Q. And you're able to make a purchase?

21 A. Yes, I have purchased on that site.

22 Q. All right. Do you ever make any online
23 purchases at Giant's website?

24 A. At which one?

25 Q. Giant, the Giant Supermarket website.

1 A. No, not online purchases, no.
 2 Q. Do you use their -- do they have a
 3 delivery service?
 4 A. I think they do. It's not Giant. It's
 5 whatever, Peapod or something like, and I've
 6 looked at that site, but I've never actually taken
 7 delivery.
 8 Q. Any problems with that website?
 9 MR. GOLDSTEIN: Which one, Peapod or
 10 Giant's?
 11 A. Peapod or which one?
 12 Q. Any problems with the Peapod website?
 13 A. No, although I don't know enough about
 14 it to really say.
 15 Q. Have you experienced any problems with
 16 Giant Supermarket's site?
 17 A. With the Giant one?
 18 Q. Correct.
 19 A. No.
 20 Q. Moving on to Mars Supermarkets, have you
 21 ever made an online purchase on their website?
 22 A. No.
 23 Q. Have you had any problems with their
 24 website?
 25 A. No.

1 looking for, generally?
 2 A. Information about the item, if it --
 3 depending if it's a -- if it's a product that
 4 might have a manual, I might look actually to find
 5 the manual, see if I could find out what it does
 6 or how it works.
 7 Or if it's a clothing item, I might look
 8 to see the price or what type of item it is,
 9 whether it's a dress item or casual, and if it --
 10 and information about the product, what kind of
 11 thing is it, what kind of information can I get
 12 about it.
 13 Q. Is there anything else you can remember?
 14 A. Well, I mean, I think I said price, too,
 15 if it's available.
 16 Q. And you also say in your declaration
 17 that looking up store websites before you actually
 18 shop at the store cuts down on your shopping time.
 19 Can you be a little bit more specific as to how it
 20 cuts down on your shopping time?
 21 A. Once I get there, I can direct the
 22 person I'm with or the store clerk to what I want
 23 without having to say, "Just tell me everything
 24 you've got," which is not very useful.
 25 I've got a sense of what I'm looking

1 Q. Okay. Do you generally make purchases
 2 online or in the physical store?
 3 A. I make the purchases in the store,
 4 normally.
 5 Q. So is it fair to say that you make
 6 in-store purchases more often than online
 7 purchases?
 8 A. Yes.
 9 Q. I'm going to talk a little bit about
 10 your declaration --
 11 A. Hm-hmm.
 12 Q. -- that you submitted in this lawsuit.
 13 In your declaration, you say you often use the
 14 Internet before you shop at physical stores.
 15 A. Hm-hmm.
 16 Q. How often is that, specifically?
 17 A. I'd say more than half the time.
 18 Q. And do you do that on a daily basis, a
 19 weekly basis?
 20 A. Probably a weekly basis.
 21 Q. And you also say that you use the
 22 Internet to learn about the products that are
 23 offered by that specific store.
 24 A. Yes.
 25 Q. What specific information are you

1 for, so I can head right in that direction, rather
 2 than saying, "Well, what do you have?" It's too
 3 general.
 4 Q. Does it cut down the time it takes to
 5 complete the purchase of the item?
 6 A. Yes.
 7 Q. How does it do that?
 8 A. Well, once we find it, I can just take
 9 it in my hands, and if I like it, go pay for it,
 10 and I'm done.
 11 Q. Is it fair to say that using the website
 12 cuts down on the time you spend browsing at the
 13 store?
 14 A. Oh, yes.
 15 Q. Does it cut down on the time you spend
 16 doing anything else at the store?
 17 A. No. I would say the browsing around,
 18 you know, is what it really reduces a lot.
 19 Q. And then also in your declaration, you
 20 say you prefer to go to the physical store so that
 21 you can feel the product. Can you explain a
 22 little bit what "feel the product" means?
 23 A. Yeah. Pick it up, hold it. If it's an
 24 electronic product, I definitely want to touch it
 25 to find out -- because I need to know if it's

1 accessible.

2 So like my XM radio, I definitely wanted
3 to find out before I purchased it that it was the
4 right model, that I could use the buttons. So I
5 asked them to take one out of the box and actually
6 hand it to me, not just hand me the box.

7 So if it's a chair or something that I
8 can sit in, I want to sit in it. Before I take it
9 along, I want to know that it can do it.

10 And some clothes I'll try on, because
11 I'm a small guy and I need to know for fit if it's
12 even going to fit. So that part I do like to
13 actually touch and get my hands on just before I
14 actually purchase it.

15 Q. Aside from going -- being able to feel
16 the product when you're at the store, is there any
17 other reason you prefer to go to the physical
18 store?

19 A. Yeah. I mean, there's a social aspect
20 to it. You talk with your friends who you go with
21 and the sales associates, who may tell you about
22 other things you didn't know about it. If the
23 associate's knowledgeable, they can tell you about
24 similar models and stuff that I probably didn't
25 check, that I didn't know it was available.

1 looked at it again, and then went back and
2 purchased it.

3 Q. Aside from that time with the chair, how
4 many other times have you gone through this
5 process?

6 A. Some electronic devices. The XM radio I
7 didn't purchase the first time. I went and looked
8 at it and then played with someone's, actually,
9 before I bought and then went back to the same
10 store and purchased it.

11 And so with some electronics and some --
12 and some household stuff, I'll go back and check,
13 generally, before purchasing larger ticket items.

14 Q. Also in your declaration, you say you
15 shop at a Target store in Massachusetts?

16 A. Yes.

17 Q. Just to make -- that's the physical
18 store, correct?

19 A. Yes.

20 Q. And how often do you shop at that actual
21 store in Massachusetts?

22 A. Several times a year.

23 Q. Do you ever shop at physical Target
24 stores in Maryland?

25 A. Yeah. I think I've been to one.

1 So you do learn from both your other
2 friends that you're with or the sales associates
3 themselves. You can often check on sale prices
4 that I might not have been aware of that they can
5 alert me to. So, sure, you have interaction with
6 the human beings that are actually there.

7 Q. And how have those interactions been,
8 generally?

9 A. Usually fine.

10 Q. And you, also, in your declaration, you
11 also say that you sometimes discover a product at
12 the store and you go home to learn about it from
13 the store's website and then return to the store
14 to actually purchase it. How often do you do
15 that?

16 A. If it's a major enough item. I think I
17 mentioned a chair which I looked at, and it was
18 going to be somewhat more costly. So I sat in it,
19 looked at it and decided to go on and check to see
20 what kind of material it had and what kind of --
21 what kind of piece it was, and then went back and
22 actually purchased it the next time around.

23 So in that case, I was at the site
24 twice, once before I even went to the store the
25 first time, and then -- and then went back and

1 Q. Is that just one time?

2 A. No, probably several times, same store,
3 same location.

4 Q. Do you do it, referring to the physical
5 stores in Maryland, do you visit them on a weekly
6 bases or a daily basis?

7 A. No, no. Maybe several times a quarter
8 or something, you know, from time to time.

9 Q. And going back to the physical Target
10 stores in Massachusetts, do you do that on a
11 weekly basis or a monthly basis?

12 A. No, only from time -- I just go back
13 from time to time, often around holidays.

14 Q. How often do you travel to
15 Massachusetts?

16 A. Four or five times a year.

17 Q. You also say in your declaration that
18 you purchase clothes and household items at
19 Target. Do you purchase any other types of items?

20 A. Well, I mean, household items like
21 towels, you know, I guess, clothing. I don't know
22 what you call them, that kind of stuff, household
23 goods, clothes, casual stuff.

24 I think that's what I mainly -- in
25 recent times, that's what I can remember

1 purchasing.
 2 Q. Okay. That's everything you can
 3 remember?
 4 A. Yeah. Yeah.
 5 Q. You also say that you shop at Target
 6 'cause it's conveniently located, has a great
 7 selection of products, and it's relatively
 8 inexpensive. Are there any other reasons that you
 9 shop at Target?
 10 A. No, I think that covers it.
 11 Q. Does that hold true for both the
 12 Massachusetts store and the Maryland stores that
 13 you visited?
 14 A. Yes. I like the store. I think the
 15 store is laid out well, and I find the sales
 16 associates actually quite helpful, more than some
 17 other stores, actually.
 18 Q. So you're generally able to find what
 19 you're looking for in the store?
 20 A. Yeah. Once I know and I find the
 21 associates, they're helpful. Where I actually --
 22 I can tell them what I wanted, and they sort of
 23 had a sense of what -- you know, they seemed to
 24 know what they were talking about.
 25 So that was actually good news, because

1 Q. And are those all the times that you can
 2 remember?
 3 A. Yes, as far as I can remember, yeah.
 4 Q. Let's talk about the time when you
 5 accessed the website to look for lounge clothes.
 6 You said that was last August?
 7 A. Yes.
 8 Q. And in your declaration, you say you
 9 thought that Target would be the perfect place to
 10 find what you were looking for. Why did you think
 11 that?
 12 A. Because I'd been to the store before, so
 13 I knew kind of what -- what I was thinking of, and
 14 I -- and I had intended -- I mean, I went back to
 15 Massachusetts on vacation in early September.
 16 So I thought, well, this will be the
 17 perfect time. I wanted to keep some -- I own a
 18 home in Massachusetts. I own a home there, and I
 19 wanted to purchase some things that I could keep
 20 there, so I don't want to travel on the plane with
 21 all that stuff.
 22 There's no sense to do that if I could
 23 just purchase right there and bring it right back
 24 home and keep stuff right there. So that was my
 25 concept of why I wanted to do this.

1 you got a little closer to what you wanted.
 2 Q. I'm going to move on to your experiences
 3 with Target's website. In your declaration,
 4 mentioned two times when you accessed Target's
 5 website; one time when you were looking to
 6 purchase lounge clothes and another time when you
 7 were looking to purchase a gift certificate?
 8 A. Yes.
 9 Q. Have there been any other times when
 10 you've accessed Target's website?
 11 A. I've looked at it several other times,
 12 yes.
 13 Q. How many, approximately?
 14 A. Maybe in addition to those two, maybe
 15 three or four other times.
 16 Q. Do you remember when those times were?
 17 A. Fairly recently. And, I mean, what I
 18 mean by that is in the past few months and during
 19 the winter sometime -- that's the winter of 2007,
 20 you know, after the holidays -- and probably --
 21 let's see, I know last August I did it. That's
 22 the one you see there in my declaration.
 23 But I also went on when I got back from
 24 Massachusetts, sometime in September or October,
 25 sometime that last fall of 2006.

1 Q. How did you access the website? Did you
 2 log onto Target's home page, or did you use an
 3 external link?
 4 A. No, I went directly to the home page.
 5 Q. And where were you when you accessed
 6 Target's website?
 7 A. In my office at work.
 8 Q. Do you remember what screen reader you
 9 were using?
 10 A. Yeah, JAWS.
 11 Q. Do you remember what version?
 12 A. Version seven at the time.
 13 Q. And you say in your declaration that,
 14 when you arrived at the website, you couldn't read
 15 any of the links. What specifically was the
 16 problem?
 17 A. Well, when I went down the home page, I
 18 started down the home page and then counted a lot
 19 of graphical unlabeled links, many of them which
 20 ail just read garbled. When you encounter a link
 21 that's not labeled, you get just a lot of code.
 22 So you get http colon, you get a long,
 23 long bunch of garbled -- I don't even want to try
 24 to repeat it. It's so long, you can't. I mean,
 25 it goes on indefinitely.

1 So when you -- you don't see this on the
2 screen, but when you encounter such a link with
3 screen access programs, you get just untold
4 nonsense.

5 So I would try to press the down arrow,
6 and link after link after link, they would say
7 link. So I knew they were links, but had no clue
8 what they went to. All it would say is image map,
9 which is a graphic.

10 And that's what the screen access
11 software will tell you if it encounters these.
12 And it encountered hundreds of them. I mean, many
13 of them, I kept down-arrowing, down-arrowing,
14 couldn't find the end of it.

15 Q. You say many, but it wasn't all?

16 A. No.

17 Q. And it says for 15 minutes that you
18 waded through a mess of unlabeled links and
19 incoherent information. Is that the total amount
20 of time that you spent?

21 A. Approximately, yes.

22 Q. It also says that you tried everything
23 you could think of. What specifically did you
24 try?

25 A. Well, there are things in JAWS that you

1 some incredible number.

2 And, again, there were a mixture. There
3 was about -- if I remember right, there was about
4 a hundred fifty of these graphical links.

5 And then there were some further down
6 that did have text associated with them. So
7 that's why I told you many, many of the links, not
8 all, because if you plowed through and got past
9 those piles of graphical links, there were some
10 links that took you to other pages.

11 And I tried some of those to see what
12 would happen. And upon doing some of those, I
13 came to another page, also with the same
14 navigation bar of a hundred fifty graphical links
15 and more, other links with no headings.

16 So I really couldn't -- I really
17 couldn't do much with it.

18 So that's when I began to get frustrated
19 with it. As I said, that's when -- I mean, I've
20 gone on enough sites that I knew this was going to
21 be tough when I had counted all those unlabeled
22 links and no headings.

23 Q. Okay. Did you try anything else?

24 A. No. I think those are the ones that --
25 the links list, the H on the keyboard and F, I

1 can do. I tried pressing H on the keyboard, the
2 letter H. And sometimes that works. If there are
3 headings on a site, that will get you by the
4 navigation links. Most sites have all the
5 navigation links at the top or on the left side of
6 the screen.

7 And usually one of the tricks we use
8 with screen readers is press H on the keyboard.
9 If a site has headings, you'll get to one of them,
10 and that will ordinarily get you by all those
11 navigation links. This did not. There were no
12 headings. There were none.

13 So I tried pressing F, the letter F, on
14 the keyboard. And if you do that, it will try to
15 look for a form. A form is something you can fill
16 out. You've seen these on the screen all the
17 time. You press your name or your e-mail address
18 or account or whatever. And I didn't find one of
19 those on the home page, either.

20 Then I tried listing all the links.
21 There's another command in JAWS that puts all the
22 links sort of in a row on the screen, all in a
23 vertical column, one -- you know, one per line.
24 So that then you sort of get a count of how many
25 links. And it came out to something like 500,

1 think -- oh, no, there was one other, T, the
2 letter T for table.

3 And I think I found a few tables, but
4 they were -- let me see here. How do I put this?

5 There's two types of tables, a true type
6 table, or a table that's created in such a way
7 that screen access readers can read it if it's a
8 true type table.

9 There are other tables which are not
10 created that way, which they will be identified as
11 tables, but they won't work properly.

12 So you hear it say table has 16 columns
13 and 29 rows maybe, but then you can't figure out
14 what the rows and columns really are, because it's
15 not formatted correctly. That's the kind of table
16 I found for some of those.

17 Q. Are those all the things that you tried?

18 A. Yes.

19 Q. Did you try using the search function on
20 the page?

21 A. Not that I recall. I don't think I
22 found one, but I don't remember enough -- I really
23 can't -- I can't say. I don't remember.

24 Q. Excuse me.

25 A. I think I tried using the JAWS find

Page 38

1 command, but not the actual search function on the
 2 page.
 3 Q. And was the JAWS find command, was --
 4 A. It found some words, but nothing really
 5 useful. But I didn't extensively try it. By that
 6 point I was getting tired, and I will say that I
 7 didn't do a full test of this thing. This is not
 8 scientific research here. This was just trying it
 9 out to see if I could get through it.
 10 Q. Did you call Target for help with the
 11 site?
 12 A. No, I did not.
 13 Q. Did you try e-mailing Target for help
 14 with the site?
 15 A. No.
 16 Q. Did you try contacting JAWS's tech
 17 support for help with the site?
 18 A. No.
 19 Q. And then you ultimately did go to the
 20 Target store, correct?
 21 A. Yes, when I got back to Massachusetts,
 22 yes.
 23 Q. And did you find what you were looking
 24 for?
 25 A. Yes, I did.

Page 39

1 Q. You say you forced your brother to come
 2 to Target with you?
 3 A. He hates shopping more than I do. I
 4 said, "Well, you got to do this. You got to do
 5 this, because I want to get these things, and I
 6 want to do it now."
 7 So we were going out to eat for dinner,
 8 so I kind of got his attention, and I said, "Here,
 9 stop."
 10 And we took care of it, and then I
 11 bought him dinner. So why not?
 12 Q. That's fair. Did you ask for assistance
 13 from a store clerk?
 14 A. Yes, we did. Yes, we did.
 15 Q. Were you able to get it?
 16 A. Yes.
 17 Q. And did you make -- ultimately make the
 18 purchase?
 19 A. Yes, I did.
 20 Q. You also mention a time -- sorry, going
 21 back.
 22 And this was in August of last year,
 23 correct, this episode with the lounge clothes?
 24 A. Well, wait a minute. Wait a minute.
 25 What episode?

Page 40

1 Q. The time when you tried to log onto
 2 Target.
 3 A. Yes. The Internet, on the website, was
 4 in August, yes.
 5 Q. Okay. Moving on, you mentioned in your
 6 declaration also that you tried to access Target's
 7 website again to purchase a gift certificate?
 8 A. Yes, toward the fall for holiday time.
 9 Q. And that was fall of last year?
 10 A. Of 2006, right, yes.
 11 Q. Do you remember what specific month it
 12 was?
 13 A. No, but probably -- no, I don't recall.
 14 Q. And you were looking for a Target gift
 15 certificate, correct?
 16 A. Yes.
 17 Q. And how did you access the website?
 18 A. Again, to the home page, right directly
 19 to the home page.
 20 Q. And where were you when you accessed the
 21 website?
 22 A. At home this time.
 23 Q. What screen reader were you using?
 24 A. Still JAWS, and I think at that point it
 25 might have been version -- it was still version

Page 41

1 seven at the time.
 2 Q. Okay. You say that the website was so
 3 confusing that you couldn't find what you were
 4 looking for, and you gave up. Can you be a little
 5 bit more specific as to how the website was
 6 confusing?
 7 A. I actually tried this gift certificate
 8 twice, both at home and at work. I couldn't
 9 figure it out at home, so I attempted at work,
 10 too, with a sighted person and never found what I
 11 was looking for, never found the gift certificate
 12 icon or whatever it was, and couldn't -- never got
 13 there.
 14 Saw some things about gift certificate.
 15 I saw some text about it that said you could
 16 purchase them and actually got a price. There was
 17 one section that said -- so I did learn that,
 18 about some denominations that you could buy, so
 19 that I knew I could get, you know, lower priced
 20 ones and higher priced ones.
 21 So I did see the text. That I did find.
 22 But nothing -- I couldn't figure out any way to
 23 actually do it, to actually purchase the
 24 certificate.
 25 Q. And were you planning on purchasing the

1 gift certificate online?

2 A. Yeah, because you don't have to feel a
3 gift certificate. That I would have purchased
4 online.

5 Q. What specific things did you try? Let's
6 just start with the time that you accessed the
7 website at home. What specific --

8 A. Oh, again, I tried the H heading, the F
9 for forms, figured I'd find a form maybe. But
10 that didn't result in anything useful.

11 And then, so I just read it. I just let
12 the text read. I went through it, plowed through
13 some. That's how I found the text about the
14 prices and some of the stuff about it.

15 Once I got to the page, there was one
16 link that referred to gift certificates and
17 something about try them out or something. You
18 know, that's the one where I found the actual text
19 about them, which was helpful.

20 That text was useful, because it did
21 tell me what the denominations were and what I
22 could buy. So, at least, I knew what quantities
23 were offered and what you could get.

24 So that worked really well. That was
25 okay. But I couldn't find the forms, and I

1 could have completed the task. I just had them do
2 it. That's all I could do at that point, just
3 click with the mouse and do it.

4 But we went as far as we could, and I
5 decided not to purchase at that moment, because I
6 didn't want to give them my credit card number and
7 all that stuff.

8 But -- and I think we spent about ten
9 minutes on that effort, ten or fifteen minutes
10 again on that effort.

11 Q. And just -- I just want to summarize
12 that you logged onto Target's website to purchase
13 the -- this gift card online, correct?

14 A. Hm-hmm, hm-hmm. Purchase the what
15 online?

16 Q. Purchase the gift card.

17 A. Oh, the gift card, right, the
18 certificate.

19 Q. And that's -- so we have three times
20 that you tried to access the site that we talked
21 about, and then you say you tried accessing the
22 site recently?

23 A. Yes.

24 Q. Is that correct?

25 A. Yes.

1 couldn't complete a purchase.

2 Q. And how long did you try?

3 A. Probably another 15, 20 minutes, same
4 sort of similar time. That's about all I can
5 handle when I get frustrated with the site.

6 Q. Did you e-mail Target for help with the
7 site?

8 A. No.

9 Q. Did you try calling Target for help for
10 the site?

11 A. Couldn't find a toll free number.
12 Looked for one. Couldn't find one.

13 Q. And did you contact JAWS's tech support
14 for help with the site?

15 A. No.

16 Q. And then you say that you tried to
17 purchase the gift certificate online again at
18 work?

19 A. Yes. I went on, I think, a few days
20 later. I got sight assistance, someone to look at
21 the screen and just tell me what was there, what
22 is there. And I said, "Can we do this?"

23 Well, of course, a sighted person could
24 do it. I actually didn't do it right then, but we
25 could have completed -- with sight assistance, I

1 Q. In the past few months, you said?

2 A. Yes, hm-hmm.

3 Q. And do you remember what specific month
4 it was?

5 A. No, probably May, but I'm not really
6 sure.

7 Q. Okay. Do you remember if it was later
8 than May?

9 A. Oh, it definitely wasn't later than
10 that.

11 Q. And what were you trying to accomplish?

12 A. This time I wanted to test the site. I
13 decided to go on and just bang through it and see
14 what I could get. If I can't succeed once, I'll
15 try, try again, as they say.

16 Q. And were you -- what were the results of
17 your test?

18 A. I wouldn't call it a test. I browsed
19 through the site. I didn't do a thorough test,
20 but I did notice that some of those unlabeled
21 links that I mentioned earlier now had -- now had
22 labels associated with them, now made some sense.

23 You could -- in fact, some of the image
24 maps were labeled, and I did notice that I did
25 find a form, which came up correctly, where you

Page 46

1 could put your name and your account data.
 2 So I did see some things that had been
 3 fixed, if you will, in the site, which is what I
 4 was looking for, to see if anything had been done.
 5 I went on to see, and there were some changes to
 6 it.
 7 Q. Were you planning on making a purchase?
 8 A. No, not at that time, no.
 9 Q. You also say that, you mentioned an
 10 instance where you accessed the site in winter of
 11 this year; is that correct?
 12 A. Yes.
 13 Q. What were you trying to accomplish on
 14 that occasion?
 15 MR. GOLDSTEIN: I have to interject
 16 this. I believe the witness is talking about
 17 an instance where this was done with counsel.
 18 Is this the instance in the winter,
 19 Mr. Booth?
 20 THE WITNESS: Yes.
 21 MR. GOLDSTEIN: So I will be instructing
 22 Mr. Booth not to disclose the contents of
 23 that particular meeting on the basis of
 24 attorney-client privilege.
 25 MR. KLESTOFF: Of the communications?

Page 47

1 MR. GOLDSTEIN: Yes.
 2 MR. KLESTOFF: That's fine.
 3 Q. I'm not looking for conversations
 4 between you and your attorney. Were you able to
 5 access the site on that occasion?
 6 A. What do you mean by access the site?
 7 Q. Were you able to successfully navigate
 8 the site on that occasion?
 9 A. No, no.
 10 Q. Do you remember the specific problems?
 11 A. Still had difficulty finding the actual
 12 links and forms. That's always been the problem.
 13 Q. Do you remember any other -- let's go
 14 back to that winter of '07 time. Were you
 15 intending to make a purchase on that occasion?
 16 MR. GOLDSTEIN: To the extent that the
 17 purpose was communicated to you by counsel,
 18 you are instructed not to answer the
 19 question. If you had any purpose other than
 20 that that came from communication from
 21 counsel, you can answer the question.
 22 A. No, nothing else.
 23 THE WITNESS: What do you want me to do?
 24 MR. GOLDSTEIN: If you had any purpose
 25 other than a purpose that was communicated by

Page 48

1 me to you, you can answer the question.
 2 THE WITNESS: No, I did not. Had no
 3 other purpose at that time.
 4 MR. GOLDSTEIN: Okay.
 5 Q. Were you planning on going to the
 6 physical store after that?
 7 A. After what?
 8 Q. After that time that you accessed the
 9 website in winter of '07.
 10 A. No.
 11 Q. Are there any other times that you can
 12 remember when you accessed Target's website?
 13 A. No.
 14 Q. That recent time that you accessed
 15 Target's website, why did you do that?
 16 A. To test it, see if it had improved. I
 17 mean, how can I know what's going on unless I go
 18 back and try it again?
 19 Q. Did you come to that decision
 20 independently?
 21 A. No. I mean, friends, colleagues
 22 suggested we do it. I mean, you know, I talked
 23 with people who also use screen access software.
 24 So you would naturally want to go and play and
 25 find out what's happening. I do that with any

Page 49

1 site, not just Target, any one I go to.
 2 Q. So is it fair to say that Target's
 3 website has improved recently?
 4 A. It's changed, yes.
 5 Q. For the better?
 6 A. Yes, somewhat for the better, yes.
 7 Q. Okay. And then in your declaration, you
 8 say that you avoid shopping at Target altogether
 9 because you find it to be nothing more than an
 10 exercise in frustration?
 11 A. Well, that's really not -- well, here.
 12 What I meant was -- and I guess it didn't come out
 13 that way -- was that I don't want to do the
 14 website anymore unless it improves. I mean,
 15 that's the frustration part.
 16 I will go to the store. I can't say
 17 I'll never go to the store again. I will go to
 18 the store.
 19 Q. That's what I was getting at. I was
 20 going to ask you that you were referring to the
 21 physical store?
 22 A. No, I was not referring to the physical
 23 store. I was referring to the website.
 24 Q. So you avoid logging onto the website,
 25 correct?

1 A. Yeah, other than to check it out, you
2 know, to go through the test. But I'm not going
3 to go through the frustration of constantly
4 searching that thing until I see some dramatic
5 change.

6 Q. When was the last time you shopped at a
7 Target, at a physical Target store?

8 A. Back around Christmastime of 2006; in
9 other words, the holiday of 2006.

10 Q. Right. Were you able to purchase what
11 you wanted?

12 A. Yes. In the store?

13 Q. In the store.

14 A. Yes.

15 Q. Why haven't you gone back to a physical
16 Target store since that time?

17 A. I don't have the need. When I go back
18 to Massachusetts again, I might go back to it.
19 But haven't had the need.

20 Q. Let me move on to another topic. How
21 did you come to learn about this lawsuit?

22 A. Well, because I work at the National
23 Federation of the Blind, and I work in technology.
24 So I knew that there was a lawsuit.

25 Q. When did you learn about this lawsuit?

1 lists?

2 A. What do you mean?

3 MR. GOLDSTEIN: You mean listserv?

4 A. Oh, listserv, oh, yeah. Some of our
5 own, some of our NFB listservs. I guess, what
6 would you call Verizon? I don't know if that's a
7 listserv; it's their advertisement. American
8 Airlines and Verizon, I guess those are a
9 listserv.

10 And I sign up for some, to test them
11 out. There was a thing called -- oh, some book
12 thing. I don't remember. Some free books you can
13 download. I tried that.

14 I'm also a member of a service called
15 Bookshare.org, all one word, bookshare dot O-R-G,
16 where you can download books. They're books that
17 are -- I mean, they're legal. How can I put --
18 well, there are books that are specially designed
19 for use by the blind. So you're protected by
20 copyright and all that.

21 And I also get our NFB newslines service
22 by mail, you know, which is newspapers that come
23 to me by e-mail every day, and I can download
24 those.

25 And I have some of them in this

1 A. I don't remember exactly, but it was
2 some time back in 2006, probably early on. But I
3 don't remember exactly now, looking back. I don't
4 recall.

5 Q. How did you come to provide a
6 declaration in this lawsuit?

7 A. I was asked to do one.

8 Q. When was that?

9 A. I think in May of 2007.

10 Q. Who asked you?

11 THE WITNESS: I can answer this one?

12 MR. GOLDSTEIN: Yes.

13 THE WITNESS: I mean, it was either you
14 or Meghan, one of the two of you.

15 MR. GOLDSTEIN: We are interchangeable,
16 Meghan and I.

17 A. One of the two of you. I don't remember
18 who told me about it.

19 Q. So it was --

20 A. It was this law firm, Brown, Goldstein
21 and Levy.

22 Q. It was the law firm that made the
23 initial contact?

24 A. Yes.

25 Q. Do you subscribe to any Internet mailing

1 BrailleNote right now. All one word,
2 B-R-A-I-L-L-E-N-O-T-E. That's this, right here.

3 Q. Referring specifically to the NFB
4 listserv --

5 A. Yeah.

6 Q. -- are you aware of any postings
7 regarding this suit?

8 A. Yes. There were postings regarding this
9 suit. There was lots of discussion about it, too.

10 Q. What sort of discussion was it?

11 A. That it was -- needed to be done and
12 that other people had gone to the site and tried
13 it, found similar things to what we found. I
14 mean, got a lot of support for what we had found
15 from other screen reader users.

16 Q. Was there any discussion about
17 individuals having no problems with the -- with
18 Target's site?

19 A. I do remember one posting from a blind
20 person saying he did successfully use it, yes.

21 Q. Are there any other postings that you
22 remember of that sort?

23 A. No. I mean, doesn't mean there weren't
24 any. I don't remember any.

25 Q. Are you aware of any news articles on

1 the suit?
 2 A. Yes. I think there was a couple of
 3 them. Well, they might be press releases or news
 4 articles. I'm not sure what they were, but I know
 5 we put out a press release. I'm sure of that.
 6 MR. GOLDSTEIN: In the lobby we've got a
 7 reprint of an article with a great picture of
 8 me, and I'll autograph it for you.
 9 A. I remember articles on press releases
 10 about the suit.
 11 Q. Do you remember what -- can you give me
 12 a brief summary of what these articles and press
 13 releases said?
 14 A. Well, they involved announcement of the
 15 suit. There was a question about -- I mean, there
 16 was discussion about the purpose of the suit, to
 17 try to get a ruling about whether websites are a
 18 public or private entity, and whether, if you go
 19 on a website to purchase something, you know,
 20 that's a public item, as opposed to someone's
 21 personal web page, where you can put almost
 22 anything you want and you really can't do much
 23 about it.
 24 But if you claim to be selling to the
 25 public, then we all feel that we ought to have

1 MR. GOLDSTEIN: Okay.
 2 (Recess taken -- 10:25 a.m.)
 3 (After recess -- 10:30 a.m.)
 4 MR. GOLDSTEIN: Mr. Booth, I have no
 5 questions for you, but I do want to tell you
 6 that you have the right to read and review
 7 the transcript and make corrections within 30
 8 days of your receipt of the transcript. You
 9 can also waive that right, but I would advise
 10 you to exercise that right.
 11 THE WITNESS: Yeah, I'd like to see the
 12 transcript.
 13 MR. GOLDSTEIN: Then we're done.
 14 MR. KLESTOFF: Appreciate your time,
 15 Mr. Booth.
 16 THE WITNESS: Thank you. I appreciate
 17 it, too. Thank you very much.
 18 (Whereupon, the deposition was concluded
 19 at 11:35 o'clock a.m.)
 20 _____
 21
 22
 23
 24
 25

1 access to the same data that our sighted
 2 colleagues have. And there was discussion about
 3 that.
 4 Some of the reporters, too, got it. I
 5 mean, some of the national reporters were quite
 6 good in their coverage. I mean -- they -- I mean,
 7 I don't know if they agree with it or not, because
 8 that's not the purpose of their articles. But
 9 they did get the purpose of the suit, why it was
 10 filed, see if we get a ruling on the ADA and
 11 website -- you know, public access to websites,
 12 which was actually quite good news for us, to see
 13 that.
 14 Q. Let me just go back briefly to your
 15 declaration. You say that you decided to provide
 16 a declaration around May of 2007, correct?
 17 A. Yes.
 18 Q. Why didn't you provide a declaration
 19 earlier than that?
 20 A. What was that again?
 21 Q. Why didn't you provide a declaration
 22 earlier than May of 2007?
 23 A. I wasn't asked.
 24 MR. KLESTOFF: Why don't we take a quick
 25 break? I'll see if I have anything else.

1 CERTIFICATE
 2
 3 STATE OF MARYLAND)
 4 COUNTY OF CARROLL)
 5
 6 I, NANCY P. RICHMOND, Registered
 7 Professional Reporter, do hereby certify that I
 8 was authorized to and did stenographically report
 9 the foregoing deposition of STEVEN BOOTH; that a
 10 review of the transcript was requested; and that
 11 the transcript is a true record of my stenographic
 12 notes.
 13 I FURTHER CERTIFY that I am not a
 14 relative, employee, attorney, or counsel of any of
 15 the parties, nor am I a relative or employee of
 16 any of the parties' attorney or counsel connected
 17 with the action, nor am I financially interested
 18 in the action.
 19 Dated this 22nd day of June, 2007.
 20
 21
 22
 23
 24 _____
 25 NANCY P. RICHMOND, RPR
 and Notary Public

1 AL BETZ & ASSOCIATES, INC.
 2 Administrative Offices
 3 P.O. Box 665
 4 Westminster, Maryland 21158
 5 VOICE - (410)752-1733 FAX (410)875-2857
 6 e-mail - productiondept@albetzreporting.com
 7
 8 DATE: June 22, 2007
 9 JOB NUMBER: NR256881
 10 CASE CAPTION: NATIONAL FEDERATION OF THE BLIND V.
 11 TARGET CORP.
 12 COURT: UNITED STATES DISTRICT COURT FOR THE
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 CASE NO. C06-01802 MHP
 15 DEPONENT: STEVEN BOOTH
 16 DATE OF DEPOSITION: June 21, 2007
 17 ATTORNEYS/FIRMS:
 18 ATTORNEY NAME/FIRM
 19 DANIEL F. GOLDSTEIN, ESQUIRE
 20 MEGHAN SIDHU CAPEK, ESQUIRE
 21 Brown, Goldstein & Levy
 22
 23 ALEXEI KLESTOFF, ESQUIRE
 24 Morrison & Foerster, LLP
 25

1 READING & SIGNING PROCEDURE
 2
 3 The deposition of STEVEN BOOTH, taken in
 4 the matter, on the date, and at the time and place
 5 set out on the title page hereof.
 6 It was requested that the deposition be
 7 taken by the reporter and that same be reduced to
 8 typewritten form.
 9 It was agreed by and between counsel and
 10 the parties that the Deponent will read and sign
 11 the transcript of said deposition.
 12
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1 Dear Sir/Madam:
 2
 3 Bound herewith is the transcript of the
 4 above-referenced deposition. Please read the
 5 transcript and sign the errata pages. Any
 6 additions or corrections should be listed on the
 7 errata sheets provided. Please remove the signed,
 8 completed errata sheets and return them to the
 9 address listed above for processing.
 10
 11 If this process has not been completed
 12 within (30) thirty days from the date of this
 13 letter, we will assume that the right to read the
 14 deposition has been waived. This is in accordance
 15 with Rule 30(e) of the Federal Rules of Civil
 16 Procedure and Rule 411 Section (a) of the Maryland
 17 Rules of Procedure.
 18
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1 DEPOSITION ERRATA SHEET
 2 RE: Al Betz & Associates, Inc.
 3 File No.: NR256881
 4 CASE CAPTION: NATIONAL FEDERATION OF THE BLIND V.
 5 TARGET CORP.
 6 DEPONENT: STEVEN BOOTH
 7 DEPOSITION DATE: June 21, 2007
 8 I have read the entire transcript of my
 9 Deposition taken in the above-captioned matter or
 10 the same has been read to me. I request that the
 11 changes noted on the following errata sheet be
 12 entered upon the record for the reasons indicated.
 13 I have signed my name to the Errata Sheet and
 14 authorize you to attach it to the original
 15 transcript.
 16 PAGE/LINE CHANGE REASON
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 SIGNATURE _____ DATE: _____
 25 STEVEN BOOTH

1	PAGE/LINE	CHANGE	REASON
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24	SIGNATURE _____		DATE: _____
25	STEVEN BOOTH		