

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
members; and BRUCE F. SEXTON, on
7 behalf of himself and all others
similarly situated,

8 Plaintiffs,

9 vs.

No. C 06-01802 MHP

10 TARGET CORPORATION,

11 Defendant.
12 _____ /

13 DEPOSITION OF
14 RONALD HIDESHIMA
15 June 25, 2007
16
17
18

19 Reported by:
20 KELLI COMBS
CSR No. 7705

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 5 ---000---
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1 RONALD HIDESHIMA,
 2 having been first duly sworn, testified as follows:
 3
 4 EXAMINATION
 5 BY MR. KLESTOFF:
 6 Q Good morning, Mr. Hideshima. My name is
 7 Alexei Klestoff and I'm from the law firm of Morrison &
 8 Foerster, and we represent Target Corporation in this
 9 lawsuit.
 10 Can you please state your name for the record?
 11 A Ronald Hideshima.
 12 Q Just going to talk a little bit about
 13 procedure.
 14 Your testimony is under oath today as if you
 15 were giving testimony in court. I'm just going to ask
 16 you questions and you answer to the best of your
 17 ability.
 18 A Yes.
 19 Q And if any questions aren't clear, please let
 20 me know.
 21 If you're tired and you need a break, also let
 22 me know. I'd just ask if there is a question pending,
 23 that you answer the question before we take our break.
 24 Is there any reason you couldn't testify fully
 25 and truthfully today?

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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 9:31
 4 a.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
 9 RONALD HIDESHIMA
 10 called as a witness by the defendant, who, being by me
 11 first duly sworn, was examined and testified as is
 12 hereinafter set forth.
 13 ---oOo---
 14
 15 ALEXEI KLESTOFF, Attorney at Law, of the
 16 Law Offices of MORRISON & FOERSTER, 425 Market Street,
 17 San Francisco, California, was present on behalf of the
 18 Defendant.
 19
 20 CAMILLA L. ROBERSON, Attorney at Law, of the
 21 Law Offices of SCHNEIDER & WALLACE, 180 Montgomery
 22 Street, Suite 2000, San Francisco, California, was
 23 present on behalf of the Plaintiffs.
 24 ---oOo---
 25

Page 3

1 A Is there a reason why?
 2 Q Is there any reason you couldn't testify fully
 3 and truthfully today?
 4 A No, I can testify truly.
 5 Q Have you ever been deposed before?
 6 A No, I haven't.
 7 Q What did you do to prepare for this
 8 deposition?
 9 A I just read over my declaration.
 10 Q Okay.
 11 Can you give me a brief description of your
 12 educational background?
 13 A My educational background, I have a AA from
 14 San Francisco City College. And after that, I began
 15 school at San Francisco State, but I got hired as a
 16 access technology instructor at the Living Skill Center
 17 for the visually impaired in San Pablo, California. So
 18 as to my education, I only have a AA.
 19 Q Can you give me a brief description of your
 20 employment history?
 21 A I was hired as a informational technology
 22 specialist at the Lighthouse for the Visually Impaired,
 23 Lighthouse for the Blind, in San Francisco. That was
 24 '9 -- I believe '7, and I worked until '99.
 25 And then I've since worked at the Living Skill

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1 Center since 2000.
 2 Q Okay.
 3 And what are your current job duties?
 4 A My current job duty is to teach blind and
 5 visually-impaired students how to navigate the Internet,
 6 use of the computers, use of access technology,
 7 including software and hardware developed specifically
 8 to aid the blind and visually-impaired community.
 9 Q Okay.
 10 And does that include training on screen
 11 access software?
 12 A Yes.
 13 Q What types of screen access software?
 14 A JAWS, Window-Eyes, Hal, H-A-L, Supernova,
 15 Lunar, L-U-N-A-R, Lunar Plus, MAGic, ZoomText, like
 16 Z-O-O-M-T-E-X-T. Those are the main screen access
 17 programs.
 18 Q What screen access program do you use to
 19 access the Internet?
 20 A I try everything, but let's say I'll use JAWS,
 21 Window-Eyes, Supernova interchangeably.
 22 Q Do you feel that one of those programs is
 23 superior to the others?
 24 MS. ROBERSON: Objection; vague.
 25 You can answer.

1 Q Do you use the screen magnification functions
 2 of Supernova?
 3 A No, I just teach it. Yes. I'm totally blind.
 4 Q Is Supernova comparable to Window-Eyes?
 5 A Yes.
 6 Q Which screen access program do you use most
 7 often?
 8 A Interchangeably, JAWS, Window-Eyes, and
 9 Supernova.
 10 Q So you use them equally?
 11 A Yes.
 12 Q What version of JAWS do you currently use?
 13 A 8.0.-something. I can't tell you the long,
 14 you know. But 8.0 is the current, and there is some
 15 minor -- what do you call it? -- versions of it.
 16 Q And what version of Window-Eyes do you use
 17 currently?
 18 A 6.1.
 19 Q What version of Supernova?
 20 A 7.03.
 21 Q Do you use all three programs to access the
 22 Internet?
 23 A Yes.
 24 Q How would you describe your skill level with
 25 JAWS?

1 THE WITNESS: It's comparable. Each software
 2 has its own strength and weaknesses.
 3 BY MR. KLESTOFF:
 4 Q What are the differences between JAWS and
 5 Window-Eyes, in your opinion?
 6 MS. ROBERSON: Objection; overbroad.
 7 THE WITNESS: They are both screen readers.
 8 They don't magnify the screen, and all they do is
 9 enables a blind person to access information that's
 10 displayed on the computer monitor.
 11 BY MR. KLESTOFF:
 12 Q What distinguishes the two programs?
 13 MS. ROBERSON: Same objection.
 14 THE WITNESS: They are the two most popular
 15 screen readers, and I believe they are just comparable.
 16 It's just a personal preference. One is just more
 17 popular than the other, it seems like.
 18 BY MR. KLESTOFF:
 19 Q Okay.
 20 Which one is more popular?
 21 A JAWS.
 22 Q Is Supernova comparable to JAWS?
 23 A Well, Supernova, it is comparable; it's just
 24 that Supernova is also a screen magnification program in
 25 and of itself.

1 A I believe I'm an advanced screen reader user.
 2 Q How would you describe your skill level with
 3 Window-Eyes?
 4 A The same.
 5 Q Same answer for Supernova?
 6 A Yes.
 7 Q Okay.
 8 How did you learn to use these programs?
 9 A Basically, I learned to use JAWS when I took a
 10 class at the Lighthouse back in '9 -- I believe '6, but
 11 other than that, I learned on my own.
 12 Q Have you had any problems with JAWS in the
 13 past?
 14 MS. ROBERSON: Objection; vague and ambiguous,
 15 overbroad.
 16 THE WITNESS: Sure. All screen readers I
 17 believe, like I said before, has its strength and
 18 weaknesses.
 19 BY MR. KLESTOFF:
 20 Q What are JAWS' weaknesses, in your opinion?
 21 A To me, JAWS is -- adds superfluous keystrokes,
 22 which means that they add too many keystrokes where you
 23 already have a keystroke that Windows provides you with.
 24 Q And what are Window-Eyes' weaknesses, in your
 25 opinion?

1 A I really can't tell. Only thing I could think
2 of is maybe sometimes it freezes, but that's -- that's
3 true to all the screen readers.
4 Q Can you think of any weaknesses of Supernova?
5 A Compared to the other two, to do one thing,
6 Supernova requires, let's say, like two or three
7 keystrokes to do the same thing as JAWS or Window-Eyes.
8 That's probably the only thing I could think of.
9 Q Okay.
10 How long have you used the Internet?
11 A About ten years. Let's say -- I'll say nine.
12 Q Okay.
13 And how often do you use the Internet?
14 A Almost every day.
15 Q Okay.
16 What types of things do you use the Internet
17 for?
18 A Well, first of all, I teach, so a lot of my
19 students are going online. I teach them how to use an
20 E-mail program, like HotMail or Yahoo, and teach them
21 how to browse the Web and be able to send and receive
22 E-mails.
23 I teach students how to do online grocery
24 shopping, and basically, for the Internet, I teach them
25 how to effectively navigate through the pages and

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1 interact with it.
2 Q Okay.
3 I'm going to talk a little bit about your --
4 the declaration that you submitted in this -- in this
5 suit.
6 A Okay.
7 Q In your declaration, you say that when you
8 shop at retail stores, you like to consult the store
9 website before going.
10 A Yes.
11 Q Do you always do this?
12 A I do it both ways. I may go to the stores
13 first and then go back to the website, and at the same
14 time, I might go to the website, look for a item, and go
15 to the store to actually physically touch the item, for
16 instance, radios or electronic products.
17 Q Do you --
18 You say you go -- sometimes you go to the
19 store first and then the website?
20 A Yes.
21 Q And then vice versa?
22 A Right.
23 Q Which one do you do more often?
24 A I do -- more often, I use the Internet first.
25 Q Do you make online purchases?

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1 A Yes.
2 Q How often do you make online purchases?
3 A Pretty regularly as needed.
4 Q Do you make more online purchases than you do
5 purchases in the store?
6 A It depends on what I'm purchasing.
7 Q Okay.
8 A If you're talking about, for instance, CDs,
9 I'll just buy it online --
10 Q Okay.
11 A -- because I don't need to physically go look
12 at something.
13 Q What types of things do you make -- do you
14 purchase in the store?
15 A In the stores, more electronic stuff. Like,
16 let's say, radios, stereos, I would not purchase it
17 online; I would need to physically feel it first.
18 Q Are there any other types of things that you
19 purchase in the stores?
20 A Clothing, because I would like to wear it
21 first or try it on.
22 Q In your declaration, you say you prefer to
23 comparison shop online, rather than in physical stores.
24 You say that there is usually more information, you can
25 find it much faster, than comparing it -- than comparing

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1 in a store.
2 You say "more information." What sort of
3 information are you looking for?
4 A "Information" meaning I -- well, a lot of like
5 computer equipment, I could get the specifications
6 online.
7 You know, when I go to a store, it's basically
8 the salesperson telling me, you know, all the
9 specifications, which I could actually get on the
10 website.
11 Q But the salesperson is able to give you the
12 information that you're looking for when you're in the
13 store?
14 A More or less.
15 Q What do you mean by "more or less"?
16 A I think I could get more information on the
17 website with regards to computer equipment, because it's
18 just data.
19 Q With regards to other types of products, are
20 you able to get the information you're looking for from
21 the salesperson in the store?
22 A In terms of -- will you repeat the question?
23 Q In terms of products aside from computer
24 equipment, are you generally able to get information
25 from the salespeople when you're at the store?

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1 MS. ROBERSON: Objection; vague and ambiguous.
 2 THE WITNESS: I think they could give me some
 3 information.
 4 BY MR. KLESTOFF:
 5 Q What information are they not able to provide
 6 you with?
 7 A Information that's probably like -- good
 8 example. Well, they could give me general information,
 9 but I'm not -- I'm asking for information that's like
 10 really, you know, specific in terms of, you know, how
 11 many hertz is this or, you know, anything that has to do
 12 with electronics has its own specifications.
 13 I don't think store salesperson wants to --
 14 they just want to give you a brief description of the
 15 item that you are looking for.
 16 Q Sounds like you were specifically referring to
 17 electronic equipment.
 18 A Right.
 19 Q With regard to products other than electronic
 20 equipment, are you generally able to get the information
 21 you're looking for when you're at the store?
 22 MS. ROBERSON: Objection; vague, ambiguous,
 23 overbroad.
 24 THE WITNESS: Generally, yes, I do get
 25 information.

1 So that includes GWMicro.com, AI Squared,
 2 Freedom Scientific, Access Ingenuity, Dolphin Computer
 3 Access.
 4 Do you want more?
 5 Q That's fine. Thank you.
 6 Let's go to -- specifically to Safeway.com.
 7 Have you had any problems accessing that site?
 8 MS. ROBERSON: Objection; vague.
 9 THE WITNESS: They do have a accessibility
 10 site for blind and visually-impaired persons, and
 11 navigating and purchasing things on their website is
 12 fairly good. The only problem with them is their daily
 13 specials aren't reflected.
 14 BY MR. KLESTOFF:
 15 Q Do you make purchases from Safeway in the
 16 store or do you schedule the -- have your groceries
 17 delivered?
 18 A Well, I live near Safeway, so most of the
 19 times I will do it in the store.
 20 But, however, I teach my students how to shop
 21 online, so it's kind of like doing the same thing.
 22 Q Do you go to the website before you go to the
 23 store?
 24 A Yes.
 25 Q Do you always do that?

1 BY MR. KLESTOFF:
 2 Q In your declaration, you listed a few websites
 3 that you regularly use, and those would be Safeway.com,
 4 Albertsons.com --
 5 A Yes.
 6 Q -- TigerDirect.com, TowerRecords.com, and
 7 Costco.com?
 8 A Yes.
 9 Q I think later on, you also mentioned that you
 10 visited CircuitCity.com?
 11 A Yes.
 12 Q Are there any other websites that you
 13 regularly use for shopping?
 14 A I mean, I can't list all of the websites that
 15 I do shop. I look at Best Buy, you know, all the -- the
 16 normal -- what do you call it? -- website for
 17 purchasing, Amazon.com.
 18 God, there is a whole slew of places I would
 19 go. Comp USA.
 20 Do you need more?
 21 Q Just all of the ones that you can remember
 22 would be great.
 23 A Well, and then mind you that I do go to, you
 24 know, specific access technology websites, too, to
 25 purchase stuff.

1 A More so than not.
 2 Q Let's turn to Albertsons.com.
 3 Have you had any problems accessing
 4 Albertsons' website?
 5 A Albertsons also has a accessibility site for
 6 visually impaired, and their website is much more
 7 accessible than Safeway's and it does reflect bargains
 8 and daily specials.
 9 Q Do you generally make purchases in the store?
 10 A At Albertsons?
 11 Q Albertsons.
 12 A Albertsons is a little farther out for me, so,
 13 no, I don't really go in the store unless I have a ride.
 14 Q So you generally schedule groceries for
 15 delivery?
 16 A If -- I do, but Safeway is a lot closer to me.
 17 Q You also mentioned TigerDirect.com.
 18 A Yes.
 19 Q Do they have physical stores?
 20 A No.
 21 Q So you make online purchases there?
 22 A Yes.
 23 Q Okay.
 24 Have you had any problems accessing that site?
 25 A No.

1 Q And TowerRecords.com, have you had any
 2 problems accessing that site?
 3 A No.
 4 Q And you make online purchases or in-store
 5 purchases?
 6 A For Tower Records?
 7 Q For Tower Records.
 8 A No, I just do online.
 9 Q Okay.
 10 And for Costco.com, have you had any problems
 11 accessing that site?
 12 A Not that I recall, no.
 13 Q Do you make online purchases or in-store
 14 purchases at Costco?
 15 A Both.
 16 Q Do you make online purchases more often or
 17 less often than you make purchases in the store?
 18 A For electronics, I just do it online.
 19 Q Okay.
 20 How about for items that are not electronics?
 21 A Let me qualify that.
 22 For, let's say, computer accessories, like
 23 flash drives, I don't really need to -- I know what a
 24 flash drive is, so I don't really have to, you know, go
 25 into the store to physically feel something.

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1 Q Okay.
 2 And for items that are nonelectronic-type
 3 items, do you make online purchases or in-store?
 4 A I usually go with my cousin to purchase like,
 5 you know, bigger item -- well, not bigger, but grocery
 6 items, meat, fish, juices, that kind of stuff.
 7 Q Do you make purchases at Costco without going
 8 online first, generally?
 9 A Can you repeat the question?
 10 Q Do you make purchases at Costco without going
 11 online first or do you go online before you go?
 12 A If it's my daily or -- what do you call it? --
 13 my -- how do I say? -- necessities, I don't need to go
 14 to the website. I need toilet paper. I need food.
 15 Q Okay.
 16 And moving on to Circuit City's website, have
 17 you ever had any problems accessing that site?
 18 A No, I haven't.
 19 Q And do you generally make online purchases or
 20 in-store purchases at Circuit City?
 21 A I would say both.
 22 Q Do you make online purchases more or less
 23 often than you make in-store purchases with Circuit
 24 City?
 25 A I think I make more online purchases.

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1 Q You also mentioned Best Buy. Have you had any
 2 problems accessing that site?
 3 A Best Buy? Not that I can recall.
 4 Q And have you had any problems accessing
 5 Amazon's website?
 6 A No, I haven't.
 7 Q Okay.
 8 Any problems accessing Comp USA's website?
 9 A No, I haven't.
 10 Q Let's move on to Target.
 11 In your declaration, you say that you like
 12 Target because they have cheap prices, but good
 13 products?
 14 A Yes.
 15 Q Are there any other reasons you like Target?
 16 A Mainly, because they do have pretty good
 17 prices for good-quality items.
 18 Q What types of things do you purchase at
 19 Target?
 20 A Sheets, underwear. What else? Mostly
 21 clothing, I would say, clothing items.
 22 Q In your declaration, you also say you shop at
 23 a Target store twice a year?
 24 A Yes.
 25 Q When was the last time that you went to a

Page 20

1 Target store?
 2 A I went -- we always go in November. Our
 3 school goes to a Target store.
 4 Q Was that the last time that you went?
 5 A I believe so, yes.
 6 Q That was November of 2006?
 7 A Yes.
 8 Q Were you able to get what you wanted at
 9 Target?
 10 A Yes.
 11 Q Did you access Target's website before you
 12 went to the store?
 13 A Not at this particular time. We just take our
 14 students there and we do our Christmas shopping.
 15 Q Have you accessed Target's website before
 16 going to a Target store in the past?
 17 A Yes, I have.
 18 Q When was that?
 19 A I can't remember.
 20 Q Can you give me the year?
 21 A I would say last year.
 22 Q 2006?
 23 A Yes.
 24 But I have been to Target's website ever since
 25 this class action began.

Page 2

1 Q Okay.
 2 When was the last time you were on Target's
 3 website?
 4 A Like yesterday.
 5 Q Why did you log onto the site yesterday?
 6 A Just to see if there is any other flaws or
 7 inaccessibility with regards to the website other than
 8 when I browsed to look for my radio.
 9 Q And did you experience any problems --
 10 A Yes.
 11 Q -- navigating the website?
 12 A Yes.
 13 Q What were the specific problems?
 14 A Well, there is a couple of links -- for
 15 instance the pharmacy link, the super store link, the
 16 super store coupons link -- they all take you to -- they
 17 will give you a "HTTP:" and then they will give you a
 18 "404," which is -- well, "404" means the page cannot be
 19 found. So it takes you to a page that actually can't
 20 display anything.
 21 Q Okay.
 22 But you were able to find the links that you
 23 mentioned?
 24 A Yes.
 25 Q Did you experience any other problems when you

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1 accessed the site yesterday?
 2 A Yes. There are field names, such as "First
 3 Name," "Last Name," but there is no edit box
 4 corresponding to those field names.
 5 Q What page was that on, do you remember?
 6 A I saw one where it says there is a link for, I
 7 guess, people with disabilities, and when you go to that
 8 link -- well, if you use JAWS, you can't see the edit
 9 boxes.
 10 Q You can't see the edit box?
 11 A You can't see the edit box, or the JAWS will
 12 not recognize the edit box.
 13 Q You said that was on the -- on --
 14 A On the link that talks specifically about
 15 people with disabilities or screen reader users.
 16 Q Do you know what -- these field names, what
 17 their purpose was?
 18 A No, because JAWS only mentioned first name,
 19 last name.
 20 Q Did you try using Window-Eyes to read the
 21 page?
 22 A Yes, I did.
 23 Q Did you have any problems using Window-Eyes?
 24 A Window-Eyes correctly found the edit box.
 25 Q Did you experience any other problems on the

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1 site yesterday?
 2 A No, I think that was all, you know, the time I
 3 spent on the website.
 4 Q Okay.
 5 Let's go back to the --
 6 You said that there was an occasion when you
 7 had accessed Target's website before you went to the
 8 store.
 9 A Yes.
 10 Q And that was sometime last year?
 11 A Yes.
 12 Q Do you remember what you were looking for?
 13 A I think it was a CD.
 14 Q And were you able to find what you were
 15 looking for on the site?
 16 A Yeah, I believe so, yes.
 17 Q And then you went to the store afterwards?
 18 A No, I believe I actually bought it online.
 19 Q And you were able to make the purchase on
 20 Target's website?
 21 A Yes.
 22 Q Have there been any other occasions where you
 23 have accessed Target's website before going to the
 24 store?
 25 A The only time is when I was looking for the

Page 24

1 radio --
 2 Q Okay.
 3 A -- in my declaration.
 4 Q Let's talk about that.
 5 When was that? When were you looking for the
 6 radio that you mentioned in your declaration?
 7 A It's got to be either end of last year or
 8 beginning of this year, somewhere around that time.
 9 Q Around Christmastime; is that accurate?
 10 A I believe so.
 11 Q You say that you compared models using Circuit
 12 City's web page?
 13 A Yes.
 14 Q Chose the best one for your needs and you went
 15 to the store?
 16 A Yes.
 17 Q And then you wound up purchasing the radio
 18 from Circuit City's web page; is that correct?
 19 A Correct.
 20 Q Okay.
 21 Why did you purchase it online, as opposed to
 22 in the store?
 23 A Well, first I looked at online and then I went
 24 to the store to physically feel the radio size-wise,
 25 because I wanted a portable radio and I wanted one that

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1 only took the least amount -- number of batteries.
 2 And basically, I went to the store, felt it,
 3 and my girlfriend told me the features on it.
 4 And then I guess I'm a fool. I didn't want to
 5 buy it that time, I just wanted to look around more.
 6 Q Okay.
 7 A But eventually, I couldn't find anything
 8 better than the one that I saw, so I ended up buying it
 9 at Circuit City's website, which I have no problem
 10 surfing.
 11 Q Okay.
 12 Were you planning on making the purchase
 13 online or in the store?
 14 A For this radio?
 15 Q For the radio, correct.
 16 A No, I didn't really -- it didn't really matter
 17 whether I bought it online or in the store.
 18 It was more convenient to buy it online
 19 because, you know, it's not always that I have a ride or
 20 I could get to a Circuit City, you know, without taking
 21 three, four buses.
 22 Q Okay.
 23 What type of radio did you end up purchasing?
 24 A I bought a portable AM/FM/TV/weather channel
 25 little portable radio.

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1 Q And in your declaration, you say that you were
 2 unable to find the radio because you couldn't navigate
 3 the web page; is that correct?
 4 A No, I believe I said it took me a while to
 5 navigate through -- not navigate through the links, but
 6 to do the search function.
 7 Q Okay.
 8 A To get down to, you know, the item itself, it
 9 took me a while to get there.
 10 Q So you were able to find the item?
 11 A No. Well, the item that I thought was the
 12 corresponding item, my radio happened to be a table-top
 13 radio.
 14 Q Okay.
 15 A Same features.
 16 Q So let's walk through the steps that you took
 17 on that occasion.
 18 You logged onto Target's website?
 19 A Yes.
 20 Q Then what did you do next?
 21 A I just did a search. Went to the "Search"
 22 edit box and typed in "Portable" -- "Portable AM/FM
 23 radio." I may have put "TV," too, and I just did the
 24 search.
 25 Q And then you --

Page 28

1 Q Okay.
 2 Did you access Target's website before or
 3 after you logged onto Circuit City's website?
 4 A This was afterwards when my girlfriend told me
 5 that she had saw the same radio on Target's website, and
 6 it happened to be cheaper than the price that I paid for
 7 it.
 8 Q So you accessed Target's website after you had
 9 bought the radio from Circuit City already?
 10 A Correct, yes, because I was going to buy one
 11 for my girlfriend.
 12 Q How did you access Target's website on that
 13 occasion? Did you log onto their home page or did you
 14 use an external link?
 15 A No, just Target.com.
 16 Q Okay.
 17 Where were you when you accessed Target's
 18 site?
 19 A I was at work.
 20 Q What screen reader were you using?
 21 A I believe I was using JAWS.
 22 Q Do you remember what version?
 23 A Same version. We have the latest version.
 24 Q The 8?
 25 A The 8, yes.

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1 And then that search returned specific
 2 results?
 3 A Returns -- well, it returns you with so much
 4 items were found in the -- what do you call it? -- sort
 5 of house items, so many found in electronics item, so
 6 many found in CD -- you know, portable CD radio area.
 7 So it just brings up so many number of
 8 different links that contains probably the words that I
 9 have entered.
 10 Q And were you able to read those links?
 11 A Yes.
 12 Q And then what did you do next?
 13 A Well, I still had to go through each of the
 14 links, just to see if one -- you know, the one that's --
 15 for instance, portable CDs, I think the portable -- the
 16 word "portable" I used in the search brought that up.
 17 So I would have to go there to check to see if they had
 18 the same type of radio that I found, which obviously
 19 wasn't there.
 20 Q Okay.
 21 So you went to the portable CD player link?
 22 A Because it's a portable CD radio, I believe,
 23 something to that effect.
 24 Q And then you arrived at another page?
 25 A Right.

Page 2

1 Q Then what did that --
 2 What was on that page?
 3 A A couple of different CD players with a radio.
 4 Q Were you able to read those links?
 5 A Huh?
 6 Q You were able to read the links of the --
 7 A Yes.
 8 Q Okay.
 9 You were able to get descriptions of the
 10 items?
 11 A Well, there is four buttons that -- seems like
 12 there is like four buttons. One says "Description," one
 13 says "Other Features" or things like that. You have to
 14 click on that in order to get the information.
 15 Q Were you able to get the information that you
 16 wanted for these items?
 17 A More or less, yes.
 18 Q And then after you reviewed this page with
 19 portable CD players --
 20 A Right.
 21 Q -- on it, what did you do next?
 22 A I had to go look for another area, which
 23 contained a number of other portable radio items.
 24 Q And were you able to read the links on that
 25 page?

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1 A Yes.
 2 Q Were you able to find what you were looking
 3 for on that page?
 4 A No.
 5 Q And then what did you do next?
 6 A Well, eventually, it came down to one item.
 7 And I read the description and, you know, it had had all
 8 the AM/FM -- what is it? -- TV, radio, and that kind of
 9 stuff; the price was there, 34.99, I believe; and -- but
 10 it had one -- couldn't really -- you know, because I
 11 can't see, I can't see the image.
 12 So I had to ask my coworker to look at the
 13 image or the item, and because I had my radio there, he
 14 was able to -- you know, comparison, "This is more like
 15 a table-top radio because it had -- what do you call
 16 this? -- arms on -- what do you call it? -- built-in
 17 handles, I guess.
 18 Q Okay.
 19 What did you do next?
 20 A Nothing.
 21 Q Nothing?
 22 A I just closed the browser.
 23 Q How long did this whole process take?
 24 A I would have to say about 25 minutes, which is
 25 long.

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1 Q Did you try calling Target for help navigating
 2 the site?
 3 A No.
 4 Q Did you E-mail Target for help with navigating
 5 the site?
 6 A No.
 7 Q And you say you were --
 8 You were able to read the links on the pages
 9 that you accessed with your screen reader, correct?
 10 A Right.
 11 Q Okay.
 12 Did you try calling Target's 800 number to get
 13 the information that you wanted?
 14 A No.
 15 Q Did you try going to the store to get the
 16 information you wanted?
 17 A No. For the radio, no.
 18 Q We talked about --
 19 We talked about two times that you accessed --
 20 three times -- sorry -- when you accessed Target's
 21 website, one time when you purchased the CD from the
 22 website?
 23 A Yes.
 24 Q The time when you were looking for the radio?
 25 A Right.

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1 Q And the time when you accessed it yesterday?
 2 A Right.
 3 Q Are there any other times when you accessed
 4 Target's website?
 5 A In this whole -- what do you call it? -- since
 6 NFB, you know, did the class action suit --
 7 Q We can start there.
 8 A -- I believe I went there just to check out to
 9 see, you know, how accessible it was.
 10 Q And that was separate from the three times
 11 that I just mentioned?
 12 A I believe so, yes.
 13 Q And when was that?
 14 A I don't remember.
 15 Q Do you remember what year it was?
 16 A No.
 17 Q Did you have any problems accessing the site
 18 on that occasion?
 19 A I believe there were -- there were links that
 20 you could only actually click with a mouse. So if you
 21 didn't know how to use, you know, these advanced
 22 features of your screen reader, you wouldn't have been
 23 able to access the link. I think that's what I
 24 remember.
 25 Q Were you planning on making a purchase on that

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1 occasion?
 2 A No. No, I wasn't.
 3 Q Were you planning on going to the Target store
 4 after?
 5 A No, I wasn't.
 6 Q And you say that there were links that you
 7 could only click with a mouse?
 8 A Right.
 9 Q How many links were there?
 10 A I do not remember.
 11 Q Were there many?
 12 MS. ROBERSON: Objection; vague.
 13 THE WITNESS: I can't tell you. I just looked
 14 at one. Didn't work, had to use the mouse keys, and
 15 that was the only way where it would go to another page.
 16 And that kind of like -- that's it, it is
 17 inaccessible.
 18 BY MR. KLESTOFF:
 19 Q And how long did you spend on the site on that
 20 occasion?
 21 A Maybe ten minutes.
 22 Q And when you accessed the site yesterday --
 23 I'm not sure if I asked you this already -- were you
 24 planning on making a purchase that day?
 25 A No, I wasn't.

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1 Q Were you planning on going to the store
 2 afterwards?
 3 A No, I wasn't.
 4 Q So there is --
 5 Now we have four times when you have accessed
 6 Target's website.
 7 At any time, regardless -- even before this
 8 lawsuit began, have you accessed Target's website on any
 9 other occasion?
 10 MS. ROBERSON: Objection; overbroad.
 11 THE WITNESS: I can't remember. I can't
 12 remember. I may or -- may have.
 13 BY MR. KLESTOFF:
 14 Q So these four times are the only times that
 15 you can remember?
 16 MS. ROBERSON: Objection; misstates the
 17 testimony.
 18 THE WITNESS: No, I -- it could -- yeah, I
 19 think that's about it. I think that's about the only
 20 times I've been.
 21 BY MR. KLESTOFF:
 22 Q How did you come to learn about this lawsuit?
 23 A I believe there were some E-mail disseminated.
 24 I don't know where it came from, but, you know, I'm on a
 25 LISTSERV, so, you know, it comes from all over the

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1 place.
 2 Q Do you remember when you received that E-mail?
 3 A No. No, I don't.
 4 Q Was it this year?
 5 A No, I don't think so.
 6 Q Was it last year?
 7 A It must have been more than that.
 8 Q Do you remember what the --
 9 Was it 2005?
 10 A Excuse me?
 11 Q Was it 2005?
 12 A I can't tell you if it was 2005 or 2004. I'm
 13 not sure.
 14 Q Do you remember what the E-mail said?
 15 A I just remember it as NFB was doing a class
 16 action suit against Target because of the website wasn't
 17 accessible, something to that effect.
 18 Q Okay.
 19 How did you come to provide a declaration in
 20 this lawsuit?
 21 A I was called.
 22 Q Who called you?
 23 A This gentleman called Danny Drobe or something
 24 like that. I don't know his last name. Something like
 25 that.

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1 But he was from the disability -- the
 2 Disability Rights Advocate.
 3 Q And he called you on the telephone?
 4 A Yes, he called me on the telephone. I don't
 5 know where.
 6 Q Do you remember when that was?
 7 A It had to be sometime in May or early May.
 8 Q May of this year?
 9 A Yes.
 10 Q Have you spoken with this gentleman before?
 11 A No.
 12 Q Do you know how he got your phone number?
 13 A This is just --
 14 MS. ROBERSON: Don't guess.
 15 THE WITNESS: Well, then I'm not sure.
 16 BY MR. KLESTOFF:
 17 Q So this gentleman called you in May of 2007 --
 18 A Yes.
 19 Q -- and asked you to provide a declaration; is
 20 that accurate?
 21 A Yes.
 22 Q When was the first time that you spoke with
 23 any of the lawyers in this lawsuit?
 24 A Ever since I was told that I'm going to be
 25 deposed.

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1 Q Was it --
 2 Was your first contact with the lawyers this
 3 month?
 4 A Yes.
 5 Q You say you subscribe to -- did you say
 6 Internet mailing lists, is that accurate, or LISTSERV?
 7 A Yes, I subscribe to a LISTSERV.
 8 Q Which one?
 9 A Braille-N-Teach, because it's a teachers'
 10 LISTSERV.
 11 Q Do you subscribe to any other LISTSERVs?
 12 A No.
 13 Q Are you aware of any postings regarding this
 14 lawsuit on the Braille-N-Teach LISTSERV?
 15 A Other than the Braille-N-Teach LISTSERV?
 16 Q No, on the Braille-N-Teach LISTSERV.
 17 A It could have been from the Braille-N-Teach
 18 LISTSERV.
 19 Q So you are aware of postings regarding this
 20 lawsuit on that LISTSERV?
 21 A Yes. If it wasn't Braille-N-Teach, it could
 22 be my colleagues just forwarding E-mail.
 23 Q Okay.
 24 And do you remember what these E-mails or
 25 postings said?

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1 A With regards to this NFB one?
 2 Q Correct.
 3 A Like I said before, it just mentioned that NFB
 4 was suing -- no, it was doing a class action suit
 5 against Target because their website wasn't accessible.
 6 That's all I know.
 7 Q So you're referring to the E-mail we talked
 8 about earlier?
 9 A Correct. Right.
 10 Q Okay.
 11 Aside from that E-mail, are you aware of any
 12 other postings on the Braille-N-Teach LISTSERV --
 13 A No.
 14 Q -- about this suit?
 15 A I don't believe so.
 16 MR. KLESTOFF: Why don't we take a quick
 17 break.
 18 (Recess taken at 10:27 a.m.
 19 resumed at 10:33 a.m.)
 20 BY MR. KLESTOFF:
 21 Q Just a few more questions.
 22 In your declaration, you say -- just going
 23 back to -- a little bit -- when you shop at retail
 24 stores, you like to consult the store website before
 25 going.

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1 A Yes.
 2 Q Have you ever consulted the Target website
 3 before going to the -- a Target store?
 4 MS. ROBERSON: Objection; asked and answered.
 5 THE WITNESS: Like I said before, I didn't the
 6 last time I went in November. No, I didn't consult the
 7 website.
 8 BY MR. KLESTOFF:
 9 Q But have you done that in the past?
 10 A To go to the website? Like I said, I bought
 11 the CD on the website, but I don't remember consulting
 12 the website before I purchased something in the store.
 13 Q Okay.
 14 Going back to the time when you were on
 15 Target's website looking for the portable radio --
 16 A Yes.
 17 Q -- is it fair to say that you were -- you were
 18 able to read the links on Target's site, you just
 19 couldn't find the specific item you were looking for?
 20 MS. ROBERSON: Objection; misstates the
 21 testimony.
 22 THE WITNESS: Yes, I couldn't find the radio
 23 that I was looking for.
 24 BY MR. KLESTOFF:
 25 Q But you were able to read the links on the

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1 pages you accessed?
 2 A When you say "read the links," I'm not too
 3 sure what you mean. Read the web page?
 4 Q Correct.
 5 A The text on the web page?
 6 Q Correct.
 7 A Yes, I was able to read the text on the web
 8 page.
 9 Q Is there anything you couldn't read on the web
 10 page on that occasion?
 11 MS. ROBERSON: Objection; vague, ambiguous,
 12 overbroad.
 13 THE WITNESS: No, I was just looking for the
 14 radio, so the only thing I did was try to search for the
 15 radio.
 16 BY MR. KLESTOFF:
 17 Q And you weren't able to find the radio?
 18 A Correct, I wasn't able to find the radio, the
 19 same radio that my girlfriend told me that there was.
 20 Q Okay.
 21 And I'm going to go back to the topic about
 22 how you came to provide a declaration in this action.
 23 You said a gentleman named Danny something --
 24 A Yes.
 25 Q -- called you in May of 2007, correct?

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1 A Yes. Correct.
 2 Q What did he tell you?
 3 A I believe he said, "Would you mind giving a
 4 declaration?"
 5 Well, he talked about the Target website being
 6 inaccessible and that NFB, you know, had -- is doing --
 7 or what do you call it? -- a class action suit and this
 8 was part of it, you know, the lawsuit, and he was asking
 9 me if I would -- don't mind giving a declaration.
 10 Q Did he ask you if you were ever able to
 11 successfully use Target's website?
 12 A No. I believe he said, "Do you have -- did
 13 you ever have problems accessing Target's website?" And
 14 I said, "Yes."
 15 Q Did he ever ask you --
 16 So he never asked you about the times when you
 17 were successfully able to use Target's website?
 18 MS. ROBERSON: Objection; assumes facts not in
 19 evidence.
 20 THE WITNESS: Do I answer?
 21 MS. ROBERSON: Answer --
 22 THE WITNESS: I don't believe --
 23 MS. ROBERSON: -- if you can.
 24 THE WITNESS: I don't believe he asked me
 25 never, have I never had success.

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1 BY MR. KLESTOFF:
 2 Q Did he ask you if you ever had success
 3 accessing Target's website?
 4 A In absolute terms? No. He asked me if I --
 5 well, he asked me if I ever had problems accessing
 6 Target's website. So, no, he didn't ask me if I ever
 7 had success.
 8 MR. KLESTOFF: Okay. I think that's all I
 9 have. I appreciate your time, Mr. Hideshima.
 10 MS. ROBERSON: All right.
 11 THE REPORTER: Ma'am, would you like a copy of
 12 this?
 13 MS. ROBERSON: Yes.
 14 (Deposition session concluded at
 15 10:39 a.m.)
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 9
 10 I, RONALD HIDESHIMA, do hereby declare under penalty of
 11 perjury that I have read the foregoing transcript; that
 12 I have made any corrections as appear noted, in ink,
 13 initialed by me; that my testimony as contained herein,
 14 as corrected, is true and correct.
 15 EXECUTED this _____ day of _____, 2007, at
 16 _____
 17 (city) (State)
 18
 19
 20
 21 _____
 22 RONALD HIDESHIMA
 23
 24
 25

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1 STATE OF CALIFORNIA)
)ss
 2 COUNTY OF SAN FRANCISCO)
 3
 4 I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand
 5 Reporter of the State of California, do hereby certify:
 6 That the foregoing proceedings were taken before me
 7 at the time and place herein set forth; that any
 8 witnesses in the foregoing proceedings, prior to
 9 testifying, were placed under oath; that the verbatim
 10 record of the proceedings was made by me using machine
 11 shorthand which was thereafter transcribed under my
 12 direction; further, that the foregoing is an accurate
 13 transcription thereof.
 14 I further certify that I am neither financially
 15 interested in the action nor a relative or employee of
 16 any attorney of any of the parties.
 17 IN WITNESS WHEREOF, I have this date subscribed my
 18 name.
 19
 20 Dated: _____
 21
 22
 23
 24 _____
 25 KELLI COMBS, CSR NO. 7705

Page 4'