

# EXHIBIT A

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

**ORIGINAL**

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5 NATIONAL FEDERATION OF THE ) Case No.  
6 BLIND, et al., ) C 06-01802 MHP  
7 Plaintiffs, )  
8 v. )  
9 TARGET CORPORATION, )  
10 Defendant. )  
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12  
13 DEPOSITION OF KEN VOLONTE  
14 THURSDAY, MAY 25, 2006  
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22 BY: CHRISTINE L. JORDAN, CSR NO. 12262  
23 1320 ADOBE DRIVE  
24 PACIFICA, CALIFORNIA 94044  
25 (650) 359-3201

1 Q. Who sponsors these classes?

2 A. The classes that I'm taking are at the  
3 Community Center for the Blind, and they are offered to  
4 any and all blind people who -- who want to avail  
5 themselves of these classes.

6 Q. Is it a one-on-one or is it a group class?

7 A. One-on-one.

8 Q. How many classes have you been to thus far?

9 A. Four.

10 Q. And how long is each class?

11 A. An hour to an hour and a half.

12 Q. Have you found that your ability to use JAWS  
13 on the Internet has improved in any way as a result of  
14 these classes?

15 MS. ROBERSON: Objection; vague, ambiguous,  
16 overbroad.

17 THE WITNESS: I find that I'm able to  
18 navigate easier.

19 BY MR. PLUNKETT:

20 Q. Can you explain that?

21 A. There -- there are -- there are certain --  
22 there are certain commands for -- for exporting from  
23 one file to another and from -- and for getting, say,  
24 to the top or the bottom immediately of a file. There  
25 are reading keys that I did not avail myself of before

1           Let me rephrase, and counsel can state her  
2 objection again.

3           Even when counsel objects, unless you're  
4 instructed, you should go ahead and answer if you  
5 understand the question.

6           A.    Okay.

7           Q.    New question:  When you went to Target.com's  
8 home page, is it your testimony that there were  
9 elements on the home page that JAWS could not read?

10           MS. ROBERSON:  Objection; mischaracterizes  
11 testimony.

12           THE WITNESS:  My answer to that question is  
13 I -- my belief is that I was past the home page, and I  
14 was into, you know, various departments.

15           BY MR. PLUNKETT:

16           Q.    How did you navigate past the home page?

17           A.    With use of the tab key and with down arrow  
18 keys.

19           Q.    Did you have any difficulty navigating past  
20 the home page into the departments?

21           A.    No, I don't believe so.

22           MS. ROBERSON:  I'm sorry, Counsel, could you  
23 repeat your question?  I didn't hear it.

24           MR. PLUNKETT:  If the court reporter could  
25 read it back.

1 A. I exited the website.

2 Q. Approximately how long were you on the  
3 website at that time?

4 A. Probably -- probably three or four minutes.

5 Q. Did you ever attempt to return to Target.com  
6 on another occasion?

7 A. Yes.

8 Q. When was that?

9 A. I believe a few days -- a few days after this  
10 lawsuit was filed. It was on a Saturday afternoon. I  
11 don't remember the date, but it was on a Saturday  
12 afternoon. And I entered the website with -- with the  
13 thought, you know, I wonder -- I wonder -- I had two  
14 thoughts: I wonder if anything has changed, and I  
15 wonder if I can do better, you know, on a Saturday when  
16 I'm not, you know, tired or whatever, you know. I was  
17 feeling a little bit different so I thought, well,  
18 maybe I can do better. I couldn't.

19 Q. How long were you on Target.com on that  
20 occasion?

21 A. Again, just -- just a few minutes. I've  
22 always -- I've never spent more than a few minutes on  
23 the website.

24 Q. How many total -- withdraw.

25 How many times have you been to Target.com?

1 I, um -- that I entered the website because I was  
2 looking for playhouses.

3 Q. Do you recall what happened when you  
4 attempted to search for a product?

5 A. Yes. I couldn't type anything in.

6 Q. You couldn't type anything into the search  
7 field?

8 A. Yes.

9 MR. PLUNKETT: Could I have the answer read  
10 back? I may be having trouble hearing.

11 BY MR. PLUNKETT:

12 Q. Was the answer to that yes?

13 A. Yes, it was, meaning, that is correct.

14 Q. Are you familiar with using JAWS in forms  
15 mode?

16 A. Yes.

17 Q. Were you using JAWS in forms mode at a time  
18 you tried to enter something in a search field?

19 A. Your website prohibited forms mode from  
20 coming on.

21 Q. How do you know that?

22 A. Because when I typed the first thing, it's --  
23 you know, it said something other than the letter P or  
24 T, or whatever it was. I don't know if I typed "toys"  
25 or "playhouses," but it said something else pertaining

1 to, you know, what was found on the page. I mean,  
2 it -- it would not allow me to type letters and so I  
3 left the website.

4 Q. Are you certain that it was the website  
5 preventing you from entering forms mode?

6 MS. ROBERSON: Objection as to form,  
7 speculative.

8 THE WITNESS: Um, all -- all I can say is  
9 that on other websites you go to the box that you want  
10 to fill in; you hit enter, and it says "forms mode on"  
11 and it works every time. It didn't work this time.

12 BY MR. PLUNKETT:

13 Q. How many times did you try it before you  
14 exited -- withdraw.

15 How many times did you try to enter  
16 information into the search field before you exited the  
17 website?

18 A. I would say just once. And, you know, I  
19 just -- I just thought, you know, life's too short. I  
20 was frustrated, and so I exited.

21 MS. ROBERSON: I'm hearing lots of sounds on  
22 the other end. Are we still connected?

23 THE WITNESS: Yes.

24 MS. ROBERSON: Okay.

25

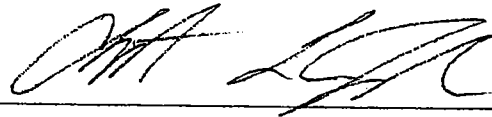
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CERTIFICATE OF REPORTER

I hereby certify that the witness in the foregoing deposition, KEN VOLONTE, was by me duly sworn to testify to the truth, the whole truth and nothing but the truth, in the within-entitled cause; that said deposition was taken at the time and place herein named; that the deposition is a true record of the witness's testimony as reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting by computer.

I further certify that I am not interested in the outcome of the said action, nor connected with nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, 2006.



CHRISTINE L. JORDAN, CSR #12262  
STATE OF CALIFORNIA