

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
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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.)
11 -----

 ORIGINAL

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13 DEPOSITION OF BRUCE F. SEXTON
14 TUESDAY, MAY 23, 2006
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22 BY: CHRISTINE L. JORDAN, CSR NO. 12262
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1 features for the Internet so far as I know.

2 BY MR. PLUNKETT:

3 Q. You mean JAWS currently has new features?

4 A. JAWS currently has new features from the
5 first time I used JAWS.

6 Q. What are some of those features?

7 A. Some of the new features are shortcuts,
8 commands that you use on the -- on the keyboard.

9 Q. Any other new features that you recall?

10 MR. KONECKY: Object as being vague and
11 ambiguous.

12 THE WITNESS: I don't recall any other
13 features, but I use it so much that it could just, you
14 know, seep into my knowledge without really realizing
15 that it's changed.

16 MR. PLUNKETT: All right.

17 BY MR. PLUNKETT:

18 Q. Other than additional shortcuts and different
19 key commands, have you noticed any difference in the
20 way JAWS works for you in accessing the Internet when
21 you move from version to version?

22 MR. KONECKY: Objection; overbroad and asked
23 and answered.

24 THE WITNESS: Each version seems to -- to
25 make life on the Internet a little easier. Each

1 version of JAWS makes life on the Internet a bit
2 easier.

3 BY MR. PLUNKETT:

4 Q. Do you remember the last time you received a
5 new version of JAWS?

6 A. The last time I received a new version of
7 JAWS was towards the beginning of the fall semester
8 2005.

9 Q. Do you know what the number of the new
10 version was you received at that time?

11 A. The version is the same as I use now. So,
12 no, I don't -- I don't know what version it is exactly.
13 It's in the 6.0's.

14 Q. Okay.

15 A. Probably the higher 6.0's.

16 Q. Can you identify any of the changes between
17 that version that you received in the fall and the
18 prior version in terms of accessing the Internet?

19 A. It seems to me that the -- a lot of the
20 keyboard shortcuts were added into the newer version of
21 JAWS.

22 Q. Did you at any time notice JAWS functioning
23 differently in websites that you had used before the
24 change in version, websites you used after the change?

25 MR. KONECKY: Can I get the question read

1 back.

2 (Record read as follows:

3 "QUESTION: Did you at any time notice JAWS
4 functioning differently in websites that you
5 had used before the change in version,
6 websites you used after the change?")

7 MR. KONECKY: Objection; vague and ambiguous,
8 overbroad.

9 THE WITNESS: There has been a lot of updates
10 to JAWS that I've used. So I can't pinpoint when there
11 was a new -- a change, but I have noticed a change over
12 time.

13 BY MR. PLUNKETT:

14 Q. What's the change you've noticed over time?

15 A. That it's easier to navigate through the
16 Internet.

17 MR. KONECKY: When you're at a good breaking
18 point, Counsel.

19 MR. PLUNKETT: Sure. Now is fine.

20 MR. KONECKY: Okay.

21 MR. PLUNKETT: Off the record.

22 (Recess taken.)

23 MR. PLUNKETT: We'll go back on the record.

24 BY MR. PLUNKETT:

25 Q. We were talking about changes in versions of

1 Q. Just to be clear, I was asking for a list of
2 sites that you consider to be accessible. And I know
3 you listed Walmart.com and then you said "shopping."
4 Is shopping a website?

5 A. Oh, I'm sorry. What I meant was Safeway.com,
6 shopping in places like Safeway or Albertsons.com, that
7 sort of thing.

8 Q. And are the websites that we've just talked
9 about websites that are accessible to you using your
10 adaptive technology?

11 A. The websites that we've talked about are
12 acceptably accessible to me, yes.

13 Q. And what do you mean by "acceptably
14 accessible"?

15 A. They allow me to make purchases and navigate
16 through their sites with -- with ease.

17 Q. Are you able to identify any websites other
18 than Target.com and Amazon.com that do not allow you to
19 navigate through the sites and make purchases with
20 ease?

21 A. I've been to sites that -- that are -- like
22 Amazon and Target I can recall. But I don't recall
23 which ones they are. I didn't keep track of all of the
24 ones I went to that were not accessible.

25 Q. Can you tell me approximately how long you've

1 called "add to cart," then I have been able to put it
2 into a place where it's -- it would be considered
3 checking out, or a cart.

4 MR. PLUNKETT: All right.

5 BY MR. PLUNKETT:

6 Q. After you added an item to a cart, were you
7 able to use -- withdraw.

8 After you added an item to a cart, could you
9 verify at that time whether or not the item in the cart
10 was the item you intended to put in the cart?

11 MR. KONECKY: Objection; overbroad.

12 THE WITNESS: At the time that I put an item
13 into the cart, it -- it seems to me that it was
14 verified that I put what I put there. And if it was
15 what I wanted, it told me if it was something I wanted
16 or didn't want, I think.

17 MR. PLUNKETT: I'm sorry, I'm not sure I
18 understand your answer. So let me rephrase the
19 question.

20 BY MR. PLUNKETT:

21 Q. Did you ever attempt, after adding an item to
22 the cart, to use some function on the website to verify
23 whether or not the item in the cart is the item you
24 intended to put in the cart?

25 A. Well, I used JAWS to go through the site and

1 the site then had a product that I put into the cart.
2 But it was also trying to sell me, as I recall, some of
3 the other products. So eventually I think I was able
4 to determine what the item was that was actually in the
5 cart that I added rather than the surrounding products.

6 Q. So after you navigated past the other links
7 that were trying to sell you other products, you were
8 able to tell what was added to the cart; is that right?

9 MR. KONECKY: Objection; overbroad.

10 If you can answer.

11 THE WITNESS: Could you ask the question
12 again?

13 MR. PLUNKETT: Sure.

14 BY MR. PLUNKETT:

15 Q. After you added an item to the cart, I
16 understand that a page came up that you said was trying
17 to sell you other products. After you on that page
18 navigated past the links that were trying to sell you
19 other products and you got to the cart, you were able
20 to identify the item that had been added to the cart;
21 is that correct?

22 MR. KONECKY: Objection; vague and ambiguous,
23 assumes facts not in the record, overbroad.

24 You can answer.

25 THE WITNESS: I don't understand the

1 Q. What happened when you attempted to complete
2 the purchase?

3 A. It just kept circling around that -- that
4 process that I just described to you.

5 Q. And just so the record is clear, that process
6 is that it would continue to offer you additional items
7 to buy, that's what it kept circling back to?

8 A. And am I sure that I wanted to buy that
9 product that I had put in my cart.

10 Q. Did you ever see a button on Target.com
11 called "proceed to checkout"?

12 A. I never -- I never encountered a button that
13 said "proceed to checkout" or -- that may -- may or may
14 not be true. I don't know if that's the button that
15 kept circling me around or if it was the one that I
16 never encountered.

17 Q. Did you ever -- withdraw.

18 In your times visiting Target.com, did you
19 ever arrive on a page requiring you to sign in or
20 create a new account?

21 A. Could you repeat the question?

22 Q. In your times using Target.com, did you ever
23 arrive at a page requiring you to sign in or create a
24 new account?

25 A. Could you be more specific?

1 Target.com in that context to try to get help
2 completing your purchase?")

3 THE WITNESS: I would say the only attempt I
4 have made is through the National Federation of the
5 Blind --

6 MR. PLUNKETT: All right.

7 THE WITNESS: -- to contact Target.

8 BY MR. PLUNKETT:

9 Q. If you had wanted to contact Target.com while
10 you were using the website to ask for help in
11 completing a purchase, would you know how to do that?

12 MR. KONECKY: Objection; incomplete
13 hypothetical, calls for speculation. It's also vague
14 and ambiguous given the prior testimony.

15 THE WITNESS: I'm pretty confident that I
16 could have found a way to contact Target to let them
17 know that I was having problems with their site if
18 that's what you're asking.

19 MR. PLUNKETT: That's what I'm asking.

20 BY MR. PLUNKETT:

21 Q. How would you go about contacting them?

22 MR. KONECKY: Other than through the NFB?

23 MR. PLUNKETT: Yes.

24 THE WITNESS: I don't know. I could call
25 them. I could e-mail them. I would have to do some

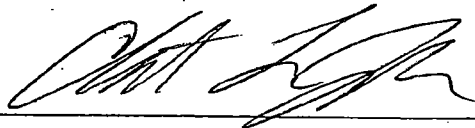
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CERTIFICATE OF REPORTER

I hereby certify that the witness in the foregoing deposition, BRUCE F. SEXTON, 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 25th day of May, 2006.



CHRISTINE L. JORDAN, CSR #12262

STATE OF CALIFORNIA