

# **EXHIBIT 7**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

--oOo--

NATIONAL FEDERATION OF THE  
BLIND, the NATIONAL FEDERATION  
OF THE BLIND OF CALIFORNIA, on  
behalf of their members, and Bruce  
F. Sexton, on behalf of himself  
and all others similarly situated,

Plaintiffs,

vs.

No. C06-01802 MHP

TARGET CORPORATION,

Defendant.

---

Videotaped Deposition of

CHRISTOPHER POLK

Monday, June 19, 2006

Reported by:

SHARON CABELLO, RPR

CSR No. 3080

Job No. 2758CC

1 INDEX OF CERTIFIED QUESTIONS (Continued)

2

3 Page 136, Line 8:

4 "Q. MR. PARADIS: Did Mr. Plunkett or any other  
5 attorney at target.com advise you of this before  
6 offering to represent you in connection with this  
7 litigation?"

8

9 --oOo--

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 BE IT REMEMBERED, that on Monday, June 19,  
2 2006, commencing at the hour of 3:02 p.m. thereof, at  
3 the offices of MORRISON & FOERSTER, LLP, Sacramento,  
4 California, before me, SHARON CABELLO, a Certified  
5 Shorthand Reporter in the State of California, duly  
6 authorized to administer oaths and affirmations, the  
7 following statement was made:

03:02:04 8 --oOo--

03:02:04 9 THE VIDEOGRAPHER: We are on record at  
03:03:15 10 approximately 3:02. It's June 19, 2006. The  
03:03:20 11 videographer is Don Anglin, the court reporter Sharon  
03:03:23 12 Cabello of Phillip Legal Services.

03:03:25 13 This is the matter of National Federation of  
03:03:27 14 the Blind versus Target, et al., U.S. District Court  
03:03:32 15 C06-01802, the deposition of Christopher Polk.

03:03:41 16 Tape 1, please begin. Please swear in the  
17 witness.

18 --oOo--

19 CHRISTOPHER POLK,

20 a witness called by the Defendant in the  
21 above-entitled action, who, having been duly sworn by  
22 the Certified Shorthand Reporter to tell the truth, the  
23 whole truth and nothing but the truth, testified under  
24 oath as follows:

03:03:54 25 --oOo--

03:03:54 1 EXAMINATION BY MR. BASRAWI

03:03:55 2 Q. Good afternoon, Mr. Polk. My name is Mazen

03:03:58 3 Basrawi, I am an attorney with Disability Rights

03:04:01 4 Advocates and I represent the plaintiffs in the case of

03:04:04 5 National Federation of the Blind, et al., versus the

03:04:07 6 Target Corporation.

03:04:08 7 This is a deposition in that case. You were

03:04:10 8 sworn -- you have been duly sworn and are under oath as

03:04:13 9 if you were in court. Is there any reason that you

03:04:18 10 cannot give full and truthful testimony today?

03:04:22 11 A. I do need to make you guys aware that I've had

03:04:26 12 a pretty urgent incident at work that did require me to

03:04:31 13 be up all of last night. So that's something that I

03:04:34 14 feel that you need to be aware of. So I am working on

03:04:36 15 27 hours now.

03:04:38 16 Q. All right. I understand, and I will try not

03:04:40 17 to keep you up too much longer. But is there anything

03:04:43 18 other than that that you think might affect your memory

03:04:46 19 or testimony otherwise?

03:04:47 20 A. No, there is not.

03:04:48 21 Q. Mr. Plunkett, who is sitting next to you

03:04:55 22 today, is an attorney for the Target Corporation.

03:05:00 23 And you have not taken any medication that

03:05:02 24 might affect your memory?

03:05:03 25 A. No, I have not.

03:06:12 1 Okay. Mr. Polk, can you state and spell your

03:06:17 2 name for the record.

03:06:17 3 A. Christopher, C-h-r-i-s-t-o-p-h-e-r, P-o-l-k,

03:06:24 4 Polk is my last name.

03:06:25 5 Q. What is your age?

03:06:27 6 A. 32.

03:06:28 7 Q. And what is your current address?

03:06:30 8 A. 2320 P Street, Apartment 309, Sacramento,

03:06:36 9 California 95816.

03:06:38 10 Q. How long have you lived at that address?

03:06:40 11 A. Two and a half years.

03:06:42 12 Q. All right. Mr. Polk, are you blind?

03:06:45 13 A. Yes, I am.

03:06:46 14 Q. And how long have you been blind?

03:06:48 15 A. Since birth.

03:06:50 16 Q. Mr. Polk, beginning with your high school

03:06:54 17 education, would you mind describing your educational

03:06:56 18 background?

03:06:58 19 A. I finished high school in 1992, I then

03:07:04 20 attended the Louisiana Center For the Blind in Ruston,

03:07:11 21 Louisiana. And then I went on to LSU to obtain my

03:07:15 22 associates degree in Information Technology.

03:07:18 23 Q. Okay. And when did you receive that degree?

03:07:20 24 A. 1995.

03:07:23 25 Q. Since then have you had any other -- do you

03:22:58 1 would you be able to identify what goes in that form  
03:23:02 2 field if it were not labeled?

03:23:04 3 MR. PLUNKETT: Objection, incomplete  
03:23:06 4 hypothetical.

03:23:07 5 THE WITNESS: If it's a form that you are  
03:23:10 6 going to sign into a Web page, or if you are familiar  
03:23:16 7 with forms on a page, you can tell boxes like password  
03:23:20 8 boxes. You can also tell some phone number boxes  
03:23:25 9 because it will move you to the next one when you are  
03:23:29 10 entering in your phone number.

03:23:31 11 I would say that it makes it a little bit more

03:23:34 12 difficult than if the boxes were labeled properly.

03:23:38 13 Q. MR. BASRAWI: Okay. Is there a level of  
03:24:01 14 uncertainty if the boxes are not properly labeled?

03:24:05 15 A. Yes.

03:24:05 16 MR. PLUNKETT: Objection, vague.

03:24:06 17 You should give me time to object, especially  
03:24:09 18 on questions like that.

03:24:35 19 Q. MR. BASRAWI: I'm a little unclear on what you  
03:24:37 20 mean by the problems with the tables, that they are not  
03:24:40 21 laid out in a way that JAWS can explain. Can you  
03:24:42 22 explain that in a little more detail?

03:24:45 23 MR. PLUNKETT: Objection, vague, lacks  
03:24:47 24 foundation.

03:24:47 25 THE WITNESS: I don't understand what you are

03:20:41 1 screen reader has no idea of what to do, it has no idea  
03:20:44 2 of what to say.

03:21:23 3 Q. You mentioned tables as causing rough spots or  
03:21:27 4 glitches. Can you describe how they are glitches?

03:21:33 5 A. Can you repeat that, please?

03:21:35 6 Q. You mentioned that you have encountered tables  
03:21:38 7 that might cause glitches or rough spots on a Web site.  
03:21:41 8 Can you describe how they would?

03:21:43 9 A. I have seen a table that does not have the  
03:21:47 10 column headers at the top. And when you are using the  
03:21:50 11 table commands of JAWS you can't tell if you have -- if  
03:21:54 12 columns of information, what belongs in which column.  
03:21:58 13 Or I have seen where the table commands do not work  
03:22:02 14 properly in JAWS and it just skips in and out of the  
03:22:05 15 table.

03:22:10 16 Q. You mentioned another glitch having to do with  
03:22:22 17 switching to forms mode. Can you describe that?

03:22:27 18 A. If there is an edit box on the page, for  
03:22:33 19 example, an edit box to enter your first name and then  
03:22:36 20 one underneath to enter your last name, in forms mode  
03:22:40 21 if you tab between those boxes, if the boxes are  
03:22:43 22 labeled correctly, it will read them. If not, you may

03:22:47 23 have to go out of forms mode to read what is above the  
03:22:49 24 field to find out what goes in the edit box.

03:22:55 25 Q. Okay. If there is nothing above the field



04:13:49 1 that incorrect?

04:13:52 2 A. How many defines "large"?

04:13:57 3 Q. Your choice, Mr. Polk, I am just asking in

04:14:02 4 your understanding of large. And you are free to

04:14:10 5 explain.

04:14:10 6 A. I am totally confused about what you want from

04:14:14 7 me right now.

04:14:15 8 Q. I am asking you -- or I have asked you before

04:14:17 9 about a Web site that contains inaccessible elements,

04:14:22 10 such as links that are not labeled, buttons that are

04:14:26 11 not labeled, forms that are not labeled, and a Web site

04:14:30 12 that lacks the blind person from being able to use hot

04:14:36 13 keys.

04:14:36 14 What are examples of those Web sites? And you

04:14:39 15 named weather.com as an example.

04:14:47 16 A. Is that a question?

04:14:47 17 Q. Yes, that is a question. Is that correct?

04:14:49 18 A. Yes, that is.

04:14:51 19 Q. Okay. You said that weather.com does not

04:14:55 20 contain these elements in your experience. But a blind

04:14:59 21 person was able to use those -- was able to use all of

04:15:03 22 the features of that Web site, correct?

04:15:07 23 A. I did not state that it didn't have any of

04:15:11 24 those elements. There were some elements on the Web

04:15:24 25 site that were not properly labeled, such as an edit

04:18:16 1 person that can sit and do Excel spread sheets and

04:18:19 2 Power Point presentations, and things like, that may

04:18:22 3 not have any interest on the Web, may not be patient

04:18:26 4 enough to click on the Web and wait for the pages to

04:18:29 5 come up, they just might not have the patience or the

04:18:32 6 drive to care about the Web. So therefore they are not

04:18:34 7 Web savvy, they are computer savvy.

04:18:37 8 Q. Okay. So what about somebody who is Web

04:18:41 9 savvy, how would you define that?

04:18:43 10 A. Oh, someone that spends time on the Web, has

04:18:48 11 patience, doesn't run from sites when they take time to

04:18:55 12 load or doesn't get impatient with having to actually

04:19:03 13 browse the Web for things they are looking for. I

04:19:07 14 think the key word is "browse," you have to browse and

04:19:09 15 click things to get what you want.

04:19:12 16 Q. Does a sighted person have to be Web savvy in

04:19:19 17 order to use Internet Web sites?

04:19:21 18 A. Yes.

04:19:22 19 MR. PLUNKETT: Objection, calls for

04:19:23 20 speculation, incomplete hypothetical.

04:19:24 21 Q. MR. BASRAWI: So --

04:19:45 22 Can you please read back the answer to the

04:19:47 23 previous question?

04:20:25 24 (Record was read by the reporter as follows:

25 "A. Oh, someone that spends time on the Web,

04:34:55 1 the screen reader's responsibility to keep up with new  
04:34:58 2 ways of doing things, like new shapes of buttons and --  
04:35:05 3 for example, I mean, I don't know how else to do this.  
04:35:08 4 But it wasn't too long ago the tables didn't work in  
04:35:14 5 Microsoft Word. It wasn't Microsoft's responsibility  
04:35:17 6 solely to make that work. There had to be a  
04:35:19 7 corroboration between screen readers and Microsoft to  
04:35:23 8 make things like that work.

04:35:24 9 Q. Is it ever the job of a Webmaster to remove

04:35:40 10 inaccessible elements or modify inaccessible elements  
04:35:44 11 to make them accessible?

04:35:47 12 MR. PLUNKETT: Objection, vague.

04:35:48 13 THE WITNESS: I don't think it's the Web  
04:35:53 14 designer's job to remove content from their site to  
04:36:01 15 follow -- I am putting this wrong.

04:36:06 16 I don't think it's their job to remove  
04:36:11 17 content, to degrade their site visually for sighted  
04:36:15 18 people so blind people can access it in the same way as  
04:36:22 19 a sighted person.

04:36:23 20 Q. MR. BASRAWI: Do you believe -- I'm sorry, go  
04:36:25 21 on.

04:36:25 22 A. No, go ahead.

04:36:25 23 Q. No, if you had something else to say.

04:36:27 24 A. I lost it.

04:36:28 25 Q. Okay. Do you believe that --

04:48:45 1 THE WITNESS: Yes, I have.

04:48:50 2 Q. MR. BASRAWI: And what was -- do you recall  
04:48:55 3 what those were?

04:48:59 4 MR. PLUNKETT: Objection, vague.

04:49:00 5 THE WITNESS: What do you mean what they were?

04:49:04 6 Q. MR. BASRAWI: What those buttons that you were  
04:49:06 7 unable to use were, on which Web sites?

04:49:12 8 MR. PLUNKETT: Objection, vague.

04:49:14 9 THE WITNESS: I see buttons every day that I  
04:49:18 10 can't click that don't describe what they do.

04:49:21 11 Q. MR. BASRAWI: Okay. Can you tell me about  
04:49:24 12 your experience with the Proceed to Checkout button on  
04:49:26 13 target.com?

04:49:33 14 MR. PLUNKETT: Objection, lacks foundation.

04:49:39 15 THE WITNESS: One of the checkout buttons at  
04:49:41 16 the top of the page did actually click and bring me to  
04:49:43 17 a new page. The one at the bottom did not.

04:49:46 18 Q. MR. BASRAWI: Okay. Let's talk about the one  
04:49:49 19 at the top of the page. When you said it did take you  
04:49:54 20 to the next page, another page, what steps did you take  
04:49:58 21 in order to activate the button to make it to go to  
04:50:01 22 another page?

04:50:02 23 A. I pressed Enter on it.

04:50:04 24 Q. You pressed Enter on it?

04:50:05 25 A. I did.

05:39:42 1 A. Because I am not sure what level of knowledge  
05:39:44 2 is needed to obtain expertise in anything.

05:39:58 3 Q. Did you tell me that a non expert could not do  
05:40:01 4 what you did on target.com?

05:40:05 5 MR. PLUNKETT: Objection, asked and answered.

05:40:07 6 THE WITNESS: What are we classifying as  
05:40:15 7 expert and not expert here?

05:40:16 8 Q. MR. BASRAWI: I am just asking you a question  
05:40:18 9 about what you told me on Friday. I am not asking for  
05:40:22 10 your opinion here, I am just asking for what you told  
05:40:25 11 me on Friday.

05:40:27 12 A. I don't know that I understood where we were  
05:40:29 13 going with the conversation on Friday. I don't  
05:40:35 14 remember.

05:40:35 15 Q. You don't remember?

05:40:36 16 A. No, actually, I don't remember.

05:40:39 17 Q. Okay. Did you tell me that a blind person who  
05:41:13 18 did not have advance training would have encountered  
05:41:17 19 difficulties using target.com?

05:41:29 20 A. I think what I said was a person that did not  
05:41:32 21 have training would have trouble using JAWS on  
05:41:36 22 target.com.

05:41:37 23 Q. What level of training?

05:41:38 24 A. It depends on the individual.

05:41:40 25 Q. Mr. Polk, do you recall me asking you whether

05:18:17 1 clicked on the electronics link. What else?

05:18:23 2 I can't remember what else I clicked on.

05:18:25 3 Q. Okay. You said you clicked on the create an

05:18:28 4 account or sign up for a new account?

05:18:30 5 A. Right.

05:18:30 6 Q. Was that a link, do you recall?

05:18:35 7 A. Actually, it was the quick sign in.

05:18:41 8 Q. Okay. Did you have an account prior to this

05:18:46 9 particular visit?

05:18:48 10 A. No, I did not.

05:18:49 11 Q. Okay.

05:18:51 12 A. I -- sorry.

05:18:52 13 Q. Why did you decide to create an account at

05:18:58 14 this particular time?

05:18:59 15 A. I was asked to purchase something from

05:19:07 16 target.com.

05:19:09 17 Q. Okay. So when you clicked on a link for

05:19:19 18 signing in, do you recall what you did next?

05:19:24 19 A. There was a thing on the page, if I remember

05:19:33 20 correctly, for you to enter your email address in, and

05:19:38 21 it said leave blank the password if you don't have one.

05:19:42 22 Q. It said that where?

05:19:43 23 A. On that first page.

05:19:46 24 Q. Okay.

05:19:46 25 A. I'm really having a rough time right now.

05:19:49 1 Q. Okay. I understand. I am just asking you

05:19:51 2 what you can remember.

05:19:53 3 A. Right, I know.

05:19:53 4 Q. Okay. Do you remember what you did after

05:19:58 5 that?

05:19:58 6 A. There was an area to -- then I went -- once I

05:20:06 7 created the account, is that what you want to know?

05:20:09 8 Q. I want to know after you entered your email as

05:20:14 9 you said, what you did next?

05:20:15 10 A. Then I went to -- where did I go next? I

05:20:22 11 don't remember my next step.

05:20:23 12 Q. Okay. That's fine.

05:20:25 13 MR. PLUNKETT: Do you want me to get you

05:20:29 14 another Coke? I mean, I'm not trying get you too

05:20:32 15 hopped up on caffeine, but I notice your can is empty,

05:20:36 16 so if you want another drink.

05:20:38 17 THE WITNESS: Yes, sure, thank you.

05:20:39 18 MR. PLUNKETT: Then why don't we go off the

05:20:42 19 record briefly.

05:20:43 20 THE WITNESS: Sorry.

05:20:45 21 THE VIDEOGRAPHER: Going off record at 5:19.

05:21:04 22 (Break.)

05:24:44 23 THE VIDEOGRAPHER: Back on record 5:23.

05:24:48 24 Q. MR. BASRAWI: Okay. Mr. Polk, when you were

05:24:55 25 navigating for the target.com Web site did you have to

05:41:48 1 somebody with -- who has taken the training courses  
05:41:53 2 offered by a training center such as the Lighthouse For  
05:42:00 3 the Blind, or who has learned JAWS by reading through  
05:42:03 4 the training materials, whether they would encounter  
05:42:06 5 difficulty? Do you recall that?

05:42:08 6 A. No, I don't.

05:42:09 7 Q. You don't recall that, all right. Well, let  
05:42:22 8 me ask you this now, then. Would a person who took a  
05:42:27 9 beginning training course on how to use JAWS or another

05:42:33 10 screen reader at the Lighthouse or a similar

05:42:36 11 institution encounter difficulties on target.com

05:42:41 12 because of accessibility elements?

05:42:44 13 MR. PLUNKETT: Objection, calls for

05:42:45 14 speculation.

05:42:45 15 THE WITNESS: I don't know how to answer that

05:42:49 16 because I don't know the level of knowledge that the

05:42:53 17 person would come out of the class with.

05:42:57 18 For instance, I may teach somebody one way of

05:43:00 19 doing things and John Smith may teach a student another

05:43:07 20 way of doing things, so I really don't know how to

05:43:10 21 answer that.

05:43:10 22 Q. MR. BASRAWI: And do you believe that that

05:43:12 23 would affect their ability to use target.com?

05:43:16 24 MR. PLUNKETT: Objection, calls for

05:43:17 25 speculation.



05:43:17 1 THE WITNESS: Do I believe that what would

05:43:20 2 affect their ability?

05:43:20 3 Q. MR. BASRAWI: What techniques they were taught

05:43:22 4 on JAWS use.

05:43:23 5 A. Yes.

05:43:23 6 Q. Okay. So somebody who did experience a

05:43:29 7 beginning training course who was not taught the

05:43:34 8 techniques that you might teach may experience

05:43:39 9 difficulties using target.com?

05:43:44 10 MR. PLUNKETT: Objection, calls for

05:43:45 11 speculation.

05:43:45 12 THE WITNESS: I'm saying that one user taught

05:43:49 13 by someone and another user taught by someone else may

05:43:52 14 have different experiences on target.com.

05:43:58 15 Q. MR. BASRAWI: You told me that a non expert

05:44:21 16 would encounter difficulties on target.com or problems

05:44:26 17 on target.com, correct?

05:44:27 18 MR. PLUNKETT: Objection, asked and answered.

05:44:29 19 Counsel, you really need to move on, you have

05:44:31 20 asked him this several times. And if you want to

05:44:35 21 testify about what you remember, that's fine. But you

05:44:37 22 have already asked the witness his recollection of your

05:44:39 23 conversation with him.

05:44:40 24 MR. BASRAWI: Well, I am entitled to probe the

05:44:43 25 witness, Counsel.

05:50:09 1 Q. MR. BASRAWI: Mr. Polk, did you tell me on  
05:50:10 2 Friday that target.com is not as fully and equally  
05:50:16 3 accessible to a blind user as it is to a sighted user?

05:50:25 4 A. Yes. Which I stated earlier today, as well.

05:50:28 5 Q. So you believe that target.com is not as fully  
05:50:32 6 and equally accessible to a blind user as it is to a  
05:50:36 7 sighted user?

05:50:37 8 MR. PLUNKETT: Objection, asked and answered.

05:50:45 9 THE WITNESS: There are aspects on target.com  
05:50:47 10 that are not accessible.

05:50:50 11 Q. MR. BASRAWI: Again, I don't believe that  
05:50:51 12 that's answering my question.

05:50:53 13 A. I have answered three times.

05:50:54 14 Q. You have responded, yes, but you have not  
05:50:57 15 answered my question.

05:50:58 16 MR. PLUNKETT: Counsel, that's not a fair  
05:51:01 17 characterization. You were absolutely repeating

05:51:04 18 yourself over and over again when you know that the

05:51:07 19 witness is tired.

05:51:08 20 MR. BASRAWI: I am entitled to ask a question  
05:51:11 21 and get an answer to my question.

05:51:15 22 Q. My question is is target.com in your opinion  
05:51:21 23 fully and equally accessible to the blind as it is to a  
05:51:26 24 sighted user?

05:51:28 25 MR. PLUNKETT: Objection, asked and answered.

05:51:28 1 THE WITNESS: My answer is the same as it was

05:51:38 2 earlier, I can't answer that without knowing what the

05:51:40 3 links do at the top of the page.

05:51:50 4 Q. MR. BASRAWI: Mr. Polk, on Friday you told me

05:51:51 5 that you did not believe that you were represented by

05:51:53 6 any attorneys in connection with this litigation; is

05:51:57 7 that correct?

05:51:57 8 A. That is correct.

05:51:58 9 Q. I understand that you have used the target.com

05:52:15 10 Web site store locator feature before; is that correct?

05:52:18 11 A. Correct.

05:52:18 12 Q. And did that function assist you in finding a

05:52:24 13 Target store in which you then physically shopped?

05:52:28 14 A. Yes, it did.

05:52:28 15 Q. I understand that you visited target.com in

05:52:34 16 the past to preshop for items that you intended to

05:52:37 17 purchase at a physical store; is that correct?

05:52:39 18 A. It is also correct.

05:52:41 19 Q. And what does preshopping entail?

05:52:45 20 A. If I am going to go look for different brands

05:52:50 21 of things, or find out how much something costs, or

05:52:54 22 find out if Target even has it, or looks like I know

05:53:01 23 what I need so when I have the assistance of a CSR in

05:53:05 24 Target I'm not fumbling around thinking about what I

05:53:08 25 want or what brand I need.