

# **EXHIBIT 8**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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NATIONAL FEDERATION OF THE ) Case No.  
BLIND, et al., ) C 06-01802 MHP  
Plaintiffs, )  
v. )  
TARGET CORPORATION, )  
Defendant. )  
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DEPOSITION OF BRUCE F. SEXTON  
TUESDAY, MAY 23, 2006

BY: CHRISTINE L. JORDAN, CSR NO. 12262  
1320 ADOBE DRIVE  
PACIFICA, CALIFORNIA 94044  
(650) 359-3201

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1 through the site.'  
2 "On these occasions when you encounter  
3 inexplicable code and garbled text,  
4 approximately how much time did you spend on  
5 the site before you left the site?")  
6 THE WITNESS: When I encounter inexplicable  
7 code and garbled text, I didn't spend much time on the  
8 inexplicable code and garbled text. I went other  
9 places on the site.

10 BY MR. PLUNKETT:

11 Q. And so the inexplicable code and garbled text  
12 did not cause you to leave the site right away?

13 MR. KONECKY: Objection; overbroad, misstates  
14 prior testimony.

15 THE WITNESS: Inexplicable code itself did  
16 not cause me to leave the site itself, that is,  
17 Target.com.

18 BY MR. PLUNKETT:

19 Q. Can you describe for me where on the site you  
20 encountered inexplicable code and garbled text?

21 A. From the very beginning of the site and -- at  
22 the very introduction of the site and also throughout  
23 the site.

24 Q. And did the inexplicable code and garbled  
25 text prevent you from browsing for products on

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1 Target.com?

2 A. It was inexplicable and garbled. I don't  
3 know if it prevented me from -- from browsing for  
4 anything. It probably did because it's on the site and  
5 that's their main goal, is to sell products.

6 Q. Do you recall an occasion when you accessed  
7 the home page of Target?

8 A. Say that again, please.

9 Q. Do you ever recall going to the home page of  
10 Target and navigating past the home page to other  
11 pages?

12 A. I have traveled past the home page of  
13 Target.com.

14 Q. Did you use a link on the home page to do  
15 that?

16 A. I most likely used a link on the home page to  
17 go past that -- past that site.

18 Q. Do you remember what link or what type of  
19 link you used to navigate past the home page?

20 A. The link was much like any other link that  
21 went from one page to the next.

22 Q. Do you remember how the link was identified?

23 A. I don't remember the specific title of the  
24 link.

25 Q. All right. Do you remember on the home page

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1 a link to departments for shopping on Target.com?

2 A. It seems to me that there were links to  
3 different sections of Target.com.

4 Q. And were those links usable with JAWS --  
5 withdraw.

6 Were those links accessible with JAWS?

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

9 THE WITNESS: JAWS -- JAWS can click on  
10 almost any link. Whether I know what -- where it's  
11 going to go does -- is a different story.

12 BY MR. PLUNKETT:

13 Q. Do you remember links on Target's home page  
14 to the various shopping departments that were described  
15 to you through JAWS that enabled you to know where the  
16 link would take you if you clicked on it?

17 MR. KONECKY: Objection; compound, vague and  
18 ambiguous.

19 THE WITNESS: To the best of my knowledge,  
20 there were links that were on Target.com that got me  
21 from the home page to another site. And they were  
22 descriptive enough for me to know approximately where I  
23 was going but not all of them.

24 BY MR. PLUNKETT:

25 Q. Paragraph 30 of your declaration states, "I

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1 have found it extremely difficult, and at times  
2 impossible, to browse for products on Target.com using  
3 my screen reader if I do not have a specific item in  
4 mind."

5 Can you explain what you mean by that?

6 A. When -- when I click on a link, it brings me  
7 to a page. And as I recall, the experiences I've had  
8 with Target have been that the links don't link to  
9 specific retail items that I can reasonably or even  
10 find at all in -- in graphic detail unless I do a  
11 search.

12 Q. What do you mean that you can't find the item  
13 at all in graphic detail?

14 A. Um, so if I link to a site where there may or  
15 may not be products, um, I don't know my -- the website  
16 isn't giving me enough -- or me or JAWS enough  
17 information to know what is on the site.

18 Q. Your declaration says that, "At times it has  
19 been extremely difficult and at other times impossible  
20 to browse for products."

21 A. Uh-huh.

22 Q. Can you recall an occasion when it was  
23 impossible?

24 A. I -- I think that's sort of what I was trying  
25 to describe in the last answers. Most of the time that

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1 I've ever found an actual product, I've had to do a  
2 search. When I've found an actual -- when I've tried  
3 to browse link by link, I really haven't been able to  
4 browse the site in a way that I could really find a  
5 myriad of items that I -- I don't exactly know what --  
6 what may or may not be.

7 If I'm looking for household items and I  
8 don't know what specific item I'm looking for, I cannot  
9 use the interface to just browse.

10 Q. All right. You have to use the search  
11 function to search for a particular product?

12 A. A specific product. And that's most of the  
13 time. I'm not sure if it's all of the time, but I know  
14 that I -- I have rarely, if any a time at any time,  
15 been able to -- to actually browse the Internet and  
16 just find a product.

17 Q. Okay. Well, let's take those one at a time  
18 and start first with the search function.

19 Have you had any difficulties using the  
20 search function when you have a product in mind and  
21 you're going to search for that particular product?

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

24 You can answer.

25 THE WITNESS: Could you repeat the question?



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1 MR. PLUNKETT: Can you read it back.  
2 (Record read as follows:  
3 "QUESTION: Well, let's take those one at a  
4 time and start first with the search  
5 function.  
6 "Have you had any difficulties using the  
7 search function when you have a product in  
8 mind and you're going to search for that  
9 particular product?")  
10 THE WITNESS: The search function is -- in my  
11 mind it is a text box that I write something in and  
12 press the search button. I've been able to  
13 successfully do that.  
14 BY MR. PLUNKETT:  
15 Q. And after searching for a product and the  
16 page comes up with a product on it, have you ever added  
17 the product to the cart?  
18 A. I don't understand the question exactly. I  
19 mean, there's processes that I go through and you're  
20 jumping from searching to buying something.  
21 Q. Okay. Well, then let me back up.  
22 After you enter the text in the box for the  
23 product you're searching for, I assume that you hit the  
24 function key to search; is that right?  
25 A. That's correct.

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1 Q. Then what happens next?

2 A. After that, a page with products comes up.

3 Q. All right. And have you been able to  
4 navigate that page to find the product you want and add  
5 it to the cart?

6 MR. KONECKY: Objection; compound.

7 THE WITNESS: I've had difficulty navigating  
8 through the -- that part of it -- part of the site  
9 after it's -- after I've done a search.

10 BY MR. PLUNKETT:

11 Q. Have you ever been able to do it -- withdraw.

12 Have you ever been able -- withdraw.

13 I understand that you've had difficulty  
14 navigating a page that it goes to. My question is  
15 whether you've been able to do it to find the item you  
16 want and to add it to the cart.

17 MR. KONECKY: Objection; vague and ambiguous,  
18 compound.

19 THE WITNESS: I've been able to put a product  
20 in a shopping cart, but I don't know that I've ever  
21 been able to put the exact make and model, color that  
22 I've wanted into that shopping cart.

23 BY MR. PLUNKETT:

24 Q. So you have added an item to a cart that  
25 you've searched for, correct, but you're just not sure

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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?

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1 Q. And why did you not complete the form?

2 A. Because at the time I did not -- I did not  
3 wish to proceed with the application.

4 Q. Did you ever arrive on a page on Target.com  
5 that asked you for any information about shipping?

6 A. I don't recall ever coming to a point where  
7 it asked about shipping.

8 Q. Do you recall ever arriving on a page that  
9 asked you for information about payment type?

10 A. I'm almost certain that I did not incur any  
11 page like that.

12 Q. We were talking earlier about the website  
13 circling around and taking you back to the same area  
14 where it asked you if you were sure if you wanted to  
15 buy. Can you provide me with an estimate of the amount  
16 of time you spent trying to get out of that circle?

17 MR. KONECKY: Objection; overbroad, vague and  
18 ambiguous.

19 THE WITNESS: I probably spent 15 to 20  
20 minutes trying to not only get out of that circle but  
21 find the -- the place where I could actually make a  
22 purchase, a button or a link, so on and so forth.

23 BY MR. PLUNKETT:

24 Q. Do you know if at the time you were looking  
25 for that button or the link to make a purchase you were

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1 A. I didn't get the same list of type of  
2 products. For instance, "towels," I didn't get that  
3 broad of a selection. I didn't even get a selection of  
4 towels. I might have gotten -- I may have gotten soaps  
5 and bathroom products but not -- so more broad  
6 categories rather than the specific.

7 Q. Okay. Well, I'll represent to you that from  
8 the Target home page there are links to departments  
9 such as Women, Men, Baby, Kids, Home, Bed and Bath,  
10 Furniture, et cetera.

11 Do you recall those links being at the top of  
12 the Target page?

13 A. I seem to recall hearing those links.

14 Q. Did you ever attempt to go into, for example,  
15 the Bed and Bath department using that link to find a  
16 specific product category like towels or soap?

17 A. I think that is the process I went through.

18 Q. And you were not able to find a product  
19 categories using that process?

20 A. After clicking on the link, I don't know  
21 exactly where it brought me. But I know that it  
22 frustrated me to no end, wherever it did bring me, and  
23 I wasn't able to find that specific product line.

24 Q. What caused that frustration?

25 A. The inability to navigate the next or the