

EXHIBIT 7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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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

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

03:07:27 1 have any other degree?

03:07:28 2 A. I have certificates and A Plus certification

03:07:37 3 in Network Plus. I have the JAWS Trainer

03:07:41 4 Certification, and the Assistant Technology Trainer

03:07:44 5 Certification from Lion's World in Little Rock,

03:07:48 6 Arkansas.

03:07:49 7 Q. Other than what you just described, have you

03:07:52 8 any other formal educational training?

03:07:53 9 A. No, I have not.

03:07:54 10 Q. With respect to adaptive software you just

03:07:58 11 testified that you've had certification in JAWS

03:08:01 12 training. Can you describe that?

03:08:02 13 A. It was a course basically where you went to

03:08:08 14 Freedom Scientific for a week and learned the

03:08:11 15 fundamentals of teaching JAWS. I was mainly there to

03:08:15 16 get the certification, to get the piece of paper saying

03:08:20 17 that I was certified so I could continue to teach in

03:08:24 18 the State of Louisiana.

03:08:25 19 Q. Okay. And what is Freedom Scientific?

03:08:29 20 A. Freedom Scientific is the company that makes

03:08:32 21 JAWS for Windows screen reading software that I use.

03:08:35 22 Q. Okay. And how long was this training program?

03:08:37 23 A. Five days.

03:08:38 24 Q. Okay. Is there any other training that you've

03:08:43 25 had with respect to adaptive software?

03:08:48 1 A. No, there is not.

03:08:49 2 Q. Okay. Have you had training in computers or

03:08:53 3 software generally?

03:08:55 4 A. Yes.

03:08:56 5 Q. And what is that training?

03:08:57 6 A. I took classes at New Horizons in Louisiana to

03:09:04 7 obtain my A Plus and my Network Plus certifications.

03:09:09 8 Q. And can you describe what those certifications

03:09:12 9 are?

03:09:13 10 A. The A Plus certification basically says that I

03:09:18 11 can effectively physically build a computer, configure

03:09:22 12 all the hardware peripherals, install the software, and

03:09:25 13 maintain it in an office environment.

03:09:28 14 The Network Plus basically states that I am

03:09:32 15 competent in the different types of topology of

03:09:36 16 different networks and I am able to effectively

03:09:39 17 administer security.

03:09:41 18 Q. Okay. Other than that training which you just

03:09:44 19 described, have you had any other formal training in

03:09:49 20 software?

03:09:50 21 A. No, I have not.

03:09:51 22 Q. Okay. Have you had any training on Web

03:09:54 23 design?

03:09:55 24 A. No, I have not.

03:09:56 25 Q. Or programming, Web programming?

03:09:58 1 A. No, I have not.

03:09:59 2 Q. Okay. Can you please describe your job

03:10:04 3 history beginning with your current job and going

03:10:06 4 backwards?

03:10:07 5 A. Right now I am the systems administrator for

03:10:12 6 HumanWear. I am responsible for the entire U.S.'s

03:10:19 7 network. Before that I was involved in the technical

03:10:24 8 support area the -- of HumanWear with the products.

03:10:29 9 Next in line is the Society For the Blind

03:10:33 10 where I was an instructor of JAWS doing office

03:10:37 11 applications, JAWS the Internet. I was also

03:10:42 12 responsible for building computers and maintaining a

03:10:45 13 senior outreach programs computer site that they had.

03:10:51 14 Before then I was a contract employee for

03:10:54 15 Louisiana Rehab for a company called Touch Technical,

03:10:58 16 Incorporated, that is no longer in business. I went to

03:11:01 17 the clients of rehab's homes and did training and

03:11:07 18 computer installation.

03:11:08 19 And before that I was contracted with

03:11:11 20 Lighthouse for the Blind out of Washington, D.C., who

03:11:14 21 had a contract with the IRS to go around and train the

03:11:18 22 IRS's blind employees on how to use JAWS and the IRS's

03:11:25 23 -- well, I will just say their databases, because I

03:11:28 24 shouldn't talk about that, but their databases that

03:11:32 25 they use internally.

03:11:34 1 Q. Are those all the jobs that you have held?

03:11:37 2 A. Yes, they are.

03:11:38 3 Q. Okay. And in your current position how long

03:11:48 4 have you held that?

03:11:49 5 A. I have been the Systems Admin for roughly nine

03:11:58 6 months now.

03:12:01 7 Q. Okay. And does your current job require

03:12:05 8 expertise in computers?

03:12:06 9 A. Yes.

03:12:07 10 Q. Does your job currently require expertise in

03:12:12 11 adaptive software?

03:12:13 12 A. Yes.

03:12:14 13 Q. Okay. Did your previous jobs require

03:12:16 14 expertise in computer use?

03:12:18 15 A. Yes.

03:12:19 16 Q. Did your previous jobs require expertise in

03:12:22 17 JAWS?

03:12:22 18 A. Yes.

03:12:23 19 Q. Okay. Now, you said that you've instructed

03:12:43 20 people on how to use JAWS; is that correct?

03:12:45 21 A. That's correct.

03:12:46 22 Q. How many people would you say you taught how

03:12:49 23 to use JAWS?

03:12:50 24 A. 50.

03:12:57 25 Q. 50 people. And is the kind of training you

03:13:01 1 provided introductory, or basic training, advanced

03:13:05 2 training?

03:13:06 3 A. I have provided training from how to turn the

03:13:08 4 computer on, to how to create a Power Point

03:13:11 5 presentation.

03:13:12 6 Q. Okay. Have you ever had deposition taken

03:13:31 7 before?

03:13:31 8 A. No, I have not.

03:13:32 9 Q. Have you ever been involved in a lawsuit

03:13:34 10 before?

03:13:34 11 A. No, I have not.

03:13:35 12 Q. Have you ever submitted a sworn statement such

03:13:40 13 as that which you submitted in this case?

03:13:42 14 A. No, I have not.

03:13:42 15 Q. Do you use the Internet, Mr. Polk?

03:13:50 16 A. Yes, I do.

03:13:51 17 Q. How long have you used the Internet for?

03:13:53 18 A. I have used the Internet since '98.

03:13:59 19 Q. How often do you use the Internet?

03:14:03 20 A. Every day.

03:14:04 21 Q. How long every day would you say on average?

03:14:06 22 A. 3 1/2 to 4 hours a day.

03:14:10 23 Q. Okay. And what do you use the Internet for?

03:14:14 24 A. I use the Internet for research pertaining to

03:14:19 25 my current job, hosting live meeting sessions to help

04:26:08 1 A. I definitely think that I have really good
04:26:16 2 skills, but I know that there is people that have more,
04:26:18 3 and people that have less than I.
04:26:22 4 Q. You train people on how to use the Web,
04:26:25 5 correct?
04:26:25 6 A. Yes, I did.
04:26:26 7 Q. So would you say you are more savvy than the
04:26:34 8 people that you train?
04:26:37 9 A. In most cases, yes.
04:26:46 10 Q. Okay. Are you an expert in that area?
04:26:50 11 MR. PLUNKETT: Objection, vague.
04:26:51 12 THE WITNESS: How would you define "expert"?
04:26:56 13 Q. MR. BASRAWI: How would you define expert as
04:27:01 14 you understand the term?

04:27:03 15 A. I don't know whether I would consider myself
04:27:08 16 a, quote, "expert" or not. I definitely have more
04:27:15 17 skills than a lot of people, and less skills than some
04:27:19 18 people. I have never put myself on a scale to rate my
04:27:24 19 savviness or expertise on the Web.
04:27:28 20 Q. Okay. You have certification in screen reader
04:27:32 21 use and in various computer skills, correct?
04:27:39 22 MR. PLUNKETT: Objection, mischaracterizes
04:27:41 23 testimony.
04:27:41 24 THE WITNESS: Yes, I do.
04:27:44 25 Q. MR. BASRAWI: Okay. Going back to a Web site

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.

04:50:06 1 Q. Were you in forms mode at the time?

04:50:08 2 A. No, I was not.

04:50:09 3 Q. Okay. And the one at the bottom of the page,

04:50:11 4 what steps did you attempt to use to activate that

04:50:15 5 button?

04:50:16 6 A. I tried Enter on it, space bar, forms mode,

04:50:23 7 and routing my JAWS to the PC and clicking.

04:50:27 8 Q. And none of these techniques worked?

04:50:30 9 A. No, I could not get that button to activate.

04:50:32 10 Q. Okay. Was that frustrating to you at all?

04:51:09 11 A. It was more of a curiosity type of thing to

04:51:13 12 me. I am of the mind set that I want to know why it

04:51:19 13 doesn't work.

04:51:19 14 So frustrating, I was not really frustrated,

04:51:23 15 but I had my interest piqued about why.

04:51:25 16 Q. Do you think that's because your field is

04:51:29 17 computers that piqued your curiosity?

04:51:35 18 A. I don't know how I would feel if my field was

04:51:37 19 not computer, so I don't know how to answer that.

04:51:39 20 Q. Okay. If you were trying to buy something

04:51:46 21 would it frustrate you if you could not activate the

04:51:50 22 checkout button?

04:51:51 23 MR. PLUNKETT: Objection, incomplete

04:51:53 24 hypothetical.

04:51:53 25 THE WITNESS: Maybe a little, yes.

05:30:46 1 blind person would encounter a lot of problems; is that

05:30:51 2 correct?

05:30:51 3 MR. PLUNKETT: Objection, lacks foundation.

05:30:53 4 THE WITNESS: I'm sorry, can you read -- I'm

05:31:00 5 really having a hard time focusing here.

05:31:03 6 MR. BASRAWI: I apologize.

7 (Record read by the reporter as follows:

8 "Q. You told me on Friday that a blind person

9 would encounter a lot of problems; is that

05:31:18 10 correct?")

05:31:18 11 MR. BASRAWI: Let me rephrase, I apologize.

05:31:19 12 THE WITNESS: I can answer.

05:31:21 13 Q. MR. BASRAWI: You can?

05:31:21 14 A. Yes.

05:31:21 15 Q. Go ahead.

05:31:22 16 A. I think that a beginning -- beginner JAWS user

05:31:29 17 would have problems with all the links that are on the

05:31:32 18 front page that aren't labeled with the ALT text. I

05:31:35 19 think that would give them problems, yes.

05:31:37 20 Q. How about the Proceed to Checkout button?

05:31:50 21 A. Yes.

05:31:51 22 Q. How about the lack of headings navigation?

05:31:54 23 A. No.

05:31:55 24 Q. How about the lack of a skip navigation

05:32:00 25 feature?

05:46:05 1 THE WITNESS: Can you explain that a little

05:46:10 2 better? I'm sorry.

05:46:12 3 Q. MR. BASRAWI: You have been testifying that

05:46:13 4 all you can testify to is whether a JAWS user or a

05:46:18 5 screen reader user has the requisite advanced training,

05:46:28 6 such as that which you have, and what that person would

05:46:32 7 be able to do; is that correct?

05:46:35 8 MR. PLUNKETT: Objection, vague,

05:46:37 9 mischaracterizes the evidence.

05:46:38 10 THE WITNESS: I can't really say that because

05:46:45 11 there could be someone less skilled than I am at JAWS

05:46:50 12 that can learn to figure things out, also.

05:46:54 13 Q. MR. BASRAWI: So somebody would have to

05:46:57 14 problem solve, troubleshoot in order to overcome

05:46:59 15 barriers on target.com?

05:47:02 16 A. Yes.

05:47:02 17 MR. PLUNKETT: Objection, calls for

05:47:03 18 speculation, incomplete hypothetical.

05:47:04 19 THE WITNESS: Yes, as in with any Web site or

05:47:10 20 any application.

05:47:10 21 Q. MR. BASRAWI: Do you find troubleshooting

05:47:13 22 challenging?

05:47:15 23 MR. PLUNKETT: Objection, vague, lacks

05:47:17 24 foundation.

05:47:17 25 THE WITNESS: Can you explain a little better,

05:47:20 1 please?

05:47:21 2 Q. MR. BASRAWI: I mean, do you enjoy

05:47:23 3 troubleshooting?

05:47:26 4 A. Yes.

05:47:27 5 Q. Okay. Do you find troubleshooting to be a

05:47:30 6 challenge?

05:47:33 7 MR. PLUNKETT: Same objections.

05:47:34 8 THE WITNESS: Do you mean to get over a

05:47:37 9 challenge, or do I find it a challenge for myself to

05:47:40 10 troubleshoot?

05:47:41 11 Q. MR. BASRAWI: I'm not even sure I understand

05:47:46 12 the distinction there.

05:47:49 13 Do you find troubleshooting to be challenging?

05:47:58 14 MR. PLUNKETT: Same objections.

05:47:58 15 THE WITNESS: Yes.

05:47:59 16 Q. MR. BASRAWI: Okay. And do you enjoy being

05:48:02 17 challenged?

05:48:05 18 A. Yes.

05:48:05 19 Q. Okay. So you don't know how anybody else with

05:48:16 20 any other level of skill would be -- would react to

05:48:20 21 target.com?

05:48:23 22 MR. PLUNKETT: Objection, calls for

05:48:24 23 speculation.

05:48:24 24 THE WITNESS: I don't know how to predict what

05:48:32 25 one person's experience would be over mine, no.

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.

06:11:02 1 Q. MR. BASRAWI: All right. As you sit here
06:11:13 2 today do you believe that the Web site needs work?
06:11:15 3 A. Yes.
06:11:28 4 Q. What do you mean by that?
06:11:30 5 A. I mean -- I answered your question, I mean,
06:11:33 6 yes, I believe it needs work.
06:11:34 7 Q. Well, what work does it need?
06:11:36 8 A. The links on the front of the page could be
06:11:39 9 labeled. They should fix the checkout button at the
06:11:46 10 bottom of the page.

06:11:48 11 Q. Anything else?

06:11:59 12 A. I guess I don't understand. Do you mean -- I

06:12:07 13 don't know, never mind.

06:12:07 14 Q. My question is do you -- my next question is

06:12:13 15 do you believe that the Web site needs work to improve

06:12:17 16 accessibility?

06:12:20 17 MR. PLUNKETT: Objection, vague, lacks

06:12:24 18 foundation.

06:12:24 19 THE WITNESS: I believe that it could use work

06:12:34 20 to clarify some of the vague points on the site.

06:12:38 21 Q. MR. BASRAWI: And would that clarification

06:12:41 22 provide better access to people who are blind?

06:12:45 23 MR. PLUNKETT: Objection, calls for

06:12:51 24 speculation, vague.

06:12:52 25 THE WITNESS: I could answer the questions a