

EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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,

CERTIFIED

Defendant.

COPY

VIDEOTAPED DEPOSITION OF SUZANNE TRITTEN

OKLAHOMA CITY, OKLAHOMA

FRIDAY, JUNE 30, 2006

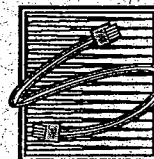
REPORTED BY:
TRENA K. BLOYE
CSR

JOB No. 49610

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01:53:18 1 website before?

01:53:19 2 A No.

01:53:19 3 Q So, that was your very first time going?

01:53:22 4 A That was my very first visit.

01:53:25 5 Q Okay. And when you visited target.com,

01:53:29 6 did you receive advice, assistance, or instruction

01:53:32 7 from anyone?

01:53:33 8 A No.

01:53:33 9 Q So I'm to understand all you are told is

01:53:38 10 to look over it and see if you could make a

01:53:41 11 purchase?

01:53:42 12 A Correct.

01:53:42 13 Q About how much time did you spend on the

01:53:52 14 site on the 13th?

01:53:53 15 A On the 13th, all total I spent about four

01:53:57 16 hours.

01:53:59 17 Q Did the target.com website pose any

01:54:08 18 initial confusion for you when you accessed their

01:54:11 19 home page?

01:54:12 20 A Confusion is not the appropriate term.

01:54:17 21 Q I'm looking at Plaintiff's Exhibit A

01:54:24 22 (sic.), which is your declaration --

01:54:24 23 A Well --

01:54:27 24 Q Let me just read it to you. And I'm sure

01:54:30 25 counsel will tell me if I have it incorrect.

01:59:29 1 450 words a minute without stopping or taking a
01:59:32 2 break, how much of it would you absorb?

01:59:36 3 Q Okay. And then you said that you
01:59:42 4 realized there were a lot of links. You turned off
01:59:45 5 the JAWS speaking key, and then you used the arrow
01:59:50 6 keys?

01:59:50 7 A Yes.

01:59:50 8 Q Okay. Now, what was happening as you
01:59:52 9 used the arrow keys?

01:59:53 10 A Basically, I was moving from link to link
01:59:57 11 in whatever order they came.

02:00:03 12 Q And you stated that -- let me understand.
02:00:08 13 A lot of those links, there was no clear indication
02:00:11 14 of what they were; is that correct?

02:00:13 15 A Correct.

02:00:14 16 Q Okay. So, was JAWS reading off the URL?
02:00:19 17 Is that what happened?

02:00:20 18 A Yes.

02:00:21 19 Q About how many links, approximately, did
02:00:25 20 you go through?

02:00:32 21 A Um, before I stopped reviewing the page
02:00:36 22 link by link, somewhere between 50 and 60, maybe.
02:00:44 23 I really can't tell you 100 percent for sure. It
02:00:49 24 was several.

02:00:51 25 Q And these all had that long URL?

02:02:33 1 to be the same type of link that I had already
02:02:37 2 heard.

02:02:37 3 Q Okay. So you did about ten or fifteen.
02:02:43 4 You realized there was a whole grouping of that.
02:02:45 5 Then what did you do? How did you get around these
02:02:48 6 groupings?

02:02:49 7 A Well, I realized that what I needed as
02:03:02 8 far as getting around the site was really at the
02:03:04 9 top. If I could move back and go to the home
02:03:07 10 department or the bed and bath department, I could
02:03:10 11 get off this home page and get on with things.

02:03:15 12 Q So which keys did you press at that point
02:03:18 13 when you realized you had to get back to the top of
02:03:21 14 the page?

02:03:21 15 A I used control plus home and followed
02:03:27 16 that with a few presses of the tab key.

02:03:43 17 Q When you visit other websites, does this
02:03:46 18 usually happen, that you have so many groupings of
02:03:51 19 links?

02:03:51 20 MR. PLUNKETT: Objection. Vague.

02:03:52 21 A Well, every website is different.

02:03:56 22 Q (By Ms. Roberson) Have you had this
02:03:57 23 happen before?

02:03:58 24 MR. PLUNKETT: Objection. Vague.

02:04:04 25 A I have had -- well, probably in this

02:04:19 1 instance, the group of links that -- the group of
02:04:28 2 image map links was larger than pretty much
02:04:33 3 anything I had encountered before.

02:04:47 4 Q (By Ms. Roberson) I'm just looking at my
02:04:49 5 notes. That's why I'm silent. I'm sorry.

02:04:52 6 A Um-hum.

02:04:53 7 Q Do you have any idea what was on those
02:05:01 8 links?

02:05:03 9 A I have no idea, because I never asked
02:05:05 10 anyone to tell me.

02:05:07 11 Q Does that --

02:05:09 12 A My guess is that they are pictures of
02:05:12 13 things that Target is advertising.

02:05:20 14 Q Okay. Does it bother you that you
02:05:23 15 couldn't tell what those were?

02:05:25 16 A No.

02:05:28 17 Q So you're on the home page. You realize
02:05:32 18 that there are all of these image links and that's
02:05:38 19 it's easier to go back up to the top of the home
02:05:41 20 page, correct, or the beginning of the home page?

02:05:46 21 A Correct.

02:05:47 22 Q Okay. What did you do next?

02:05:48 23 A I found the home link and pressed enter.

02:05:55 24 Q And what happened?

02:05:56 25 A A new page loaded. And below the links

02:23:19 1 A But, no, not websites. I wouldn't try.

02:23:23 2 Q Why not?

02:23:23 3 A Because, for one thing, what you hear and
02:23:30 4 probably what are seen -- is seen on the screen, I
02:23:33 5 can't guarantee they are going to be the same.

02:23:38 6 Q And why is that?

02:23:40 7 A Because some graphics have what they call
02:23:47 8 alt tags, which means that while there is a nice,
02:23:51 9 pretty little picture on the screen, in the
02:23:54 10 underpinnings of the programming there is text.

02:23:58 11 Q Okay. And is that what you would hear?

02:24:08 12 A And that's what I would hear.

02:24:11 13 Q Okay. Now, if there is isn't alt tags,
02:24:17 14 what would you hear?

02:24:18 15 A If there aren't alt tags I would here
02:24:23 16 sometimes, usually the URL, like we -- like I
02:24:27 17 mentioned on the home page.

02:24:31 18 Q Okay. So on the home page, all of those
02:24:34 19 image maps where you heard the URL did not have alt
02:24:39 20 tags; is that correct?

02:24:41 21 MR. PLUNKETT: Objection. Calls for
02:24:42 22 speculation.

02:24:43 23 A All I can say is that's my guess.

02:24:46 24 Q (By Ms. Roberson) Okay. Based on what
02:24:47 25 the screen reader was --

02:47:47 1 Q Is that important to you?

02:47:50 2 A It's not so much that it's important. It
02:47:54 3 was just fun, because even though I did a lot of
02:48:02 4 this shopping and looking around, eventually, most
02:48:05 5 of it I realized I was going to ask my husband if
02:48:10 6 it looked good or if it -- eventually, I was going
02:48:14 7 to get some other input. But it was just fun to
02:48:21 8 do.

02:48:21 9 Q Would you say it was a more independent
02:48:24 10 way of shopping?

02:48:25 11 MR. PLUNKETT: Objection. Vague.

02:48:27 12 A No, I would not say it was more
02:48:30 13 independent, because eventually I was going to ask
02:48:36 14 for assistance.

02:48:38 15 Q (By Ms. Roberson) Okay. But in the
02:48:43 16 meantime you got to look around on your own terms?

02:48:47 17 A Um-hum, I got to look around on my own.

02:48:51 18 Q Did you run into any more image maps that
02:48:58 19 weren't coded correctly or had long URLs when you
02:49:02 20 were doing this?

02:49:03 21 A Here and there I would run into one or
02:49:06 22 two.

02:49:06 23 Q And what did you do?

02:49:08 24 A I just ignored them.

02:49:10 25 Q Okay. So what did you do next?

02:53:14 1 A Here, this page, I pressed the add to bag
02:53:18 2 button. This page came up and it said, "People who
02:53:20 3 bought these wind chimes also bought this."

02:53:24 4 Q Um-hum.

02:53:24 5 A And we had all kinds of wonderful
02:53:27 6 advertisements, and I had to find -- you know, I
02:53:32 7 had to locate the "Proceed to checkout" button,
02:53:38 8 because I didn't want any of these other things.

02:53:40 9 Q Okay.

02:53:41 10 A And --

02:53:55 11 Q Are you --

02:53:56 12 A And when I found it, I found out that --
02:54:08 13 I guess I'm going to go on here. I found out that
02:54:13 14 this button did not activate by pressing enter.

02:54:18 15 Q The "Proceed to checkout" button?

02:54:20 16 A Um-hum.

02:54:21 17 Q So what did you do?

02:54:22 18 A I used a standard work around.

02:54:31 19 Q Okay. What was that standard work
02:54:34 20 around?

02:54:34 21 A I routed the JAWS cursor --

02:54:39 22 Q I'm sorry?

02:54:40 23 A Okay.

02:54:43 24 Q Please bring it to --

02:54:45 25 A Okay. Let's do this in --

02:54:48 1 Q You can use the same terms, just slowly.

02:54:51 2 A Okay. What I did is -- you know, you
02:54:55 3 asked me about the virtual cursor early on.

02:54:59 4 Q Right.

02:55:00 5 A That's what I'm using at the time I press
02:55:03 6 enter on that button.

02:55:04 7 Q Okay.

02:55:05 8 A It didn't work. That doesn't mean --
02:55:10 9 there's something there, it didn't activate. So I
02:55:13 10 simulated using the mouse by pressing a keyboard
02:55:19 11 command that moved the JAWS cursor, or the mouse,
02:55:26 12 to that button where the virtual cursor was.

02:55:34 13 Q Um-hum.

02:55:35 14 A And then I pressed the simulated -- I
02:55:42 15 pressed a button on the keyboard that simulates a
02:55:45 16 left mouse click.

02:55:47 17 Q And what button is that? I could bring
02:55:53 18 out a computer if you --

02:55:54 19 A No. Just give me a second. The slash on
02:55:58 20 the number pad.

02:55:59 21 Q Just the slash on the number pad?

02:56:02 22 A Um-hum.

02:56:02 23 Q Okay.

02:56:07 24 A No. I'm sorry. It's the star.

02:56:08 25 Q So the star on the number pad?

02:56:10 1 A Yeah. I'm sorry. It's the star.

02:56:16 2 Q Okay. So you simulated using the -- and
02:56:19 3 what did you call this process? You used a term I
02:56:23 4 didn't understand.

02:56:24 5 A Route the JAWS cursor to the PC cursor.

02:56:29 6 Q Okay.

02:56:29 7 A And, actually, in this case it's the
02:56:32 8 Virtual PC cursor.

02:56:39 9 Q And this a standard work around, you
02:56:44 10 said?

02:56:44 11 A Excuse me. Yes.

02:56:46 12 Q That's all right. Just out of curiosity,
02:56:57 13 how did you learn about this particular command?

02:57:05 14 A Through the tutorials I had read over
02:57:09 15 time.

02:57:10 16 Q Okay. Okay. So you routed the JAWS
02:57:18 17 cursor to the PC cursor, and then what happened?

02:57:25 18 A When I pressed the star on the number
02:57:29 19 pad, I heard the click, meaning that the link had
02:57:32 20 activated, or the button had activated, and I was
02:57:36 21 on my way.

02:57:40 22 Q How long did it take you to figure out to
02:57:42 23 do this once you found the "Proceed to checkout"
02:57:47 24 out button?

02:57:50 25 A About ten seconds, at most.

03:07:56 1 Q And that's when you decided to switch to
03:07:59 2 the virtual cursor to find out what was supposed to
03:08:03 3 be in those fields?

03:08:04 4 A Yes.

03:08:05 5 Q I'm just going to ask you about some
03:08:23 6 other features on the target.com website. And I am
03:08:29 7 representing to you that they show up on the
03:08:31 8 target.com website. Did you use the target.com
03:08:35 9 store locator?

03:08:37 10 A No.

03:08:37 11 Q Did you come to find any weekly ads?

03:08:42 12 A I was asked if I wanted to subscribe to
03:08:46 13 their weekly ad.

03:08:48 14 Q When were you asked that?

03:08:49 15 A Sometime during the checkout procedure, I
03:08:58 16 think.

03:08:58 17 Q Did you know that target.com usually has
03:09:02 18 weekly ads. on its home page?

03:09:05 19 A I did not.

03:09:11 20 Q And you didn't come across anything that
03:09:14 21 said "Weekly ad." when you were on the home page;
03:09:21 22 is that correct?

03:09:21 23 A Correct.

03:09:22 24 Q Did you come across any grocery coupons?

03:09:27 25 A I believe at some points I found a

03:09:32 1 coupons link, but I never activated it.

03:09:36 2 Q How did you know it was a coupons link?

03:09:38 3 A It was labeled.

03:09:39 4 Q Did you use the target.com pharmacy?

03:09:39 5 A Excuse me?

03:09:44 6 Q I'm sorry. The target.com pharmacy.

03:09:49 7 A No.

03:09:49 8 Q How about the Club Wed registry?

03:09:52 9 A No.

03:09:52 10 Q Target baby registry?

03:09:52 11 A No.

03:09:53 12 Q Portrait studio?

03:09:56 13 A No.

03:09:56 14 Q Photo center?

03:09:57 15 A No.

03:09:58 16 Q Optical center?

03:09:58 17 A No.

03:09:59 18 Q Did you access the page describing

03:10:02 19 privacy rights?

03:10:03 20 A Actually, no.

03:10:03 21 Q Did you access the page providing

03:10:06 22 information to investors?

03:10:07 23 A No.

03:10:07 24 Q Did you come across the page providing

03:10:12 25 employment information to prospective employees?

03:10:15 1 A Did I come -- I came across the link.

03:10:19 2 Q You came across --

03:10:20 3 A In fact, in most of those cases, other
03:10:26 4 than maybe the optical site, I think I -- I
03:10:30 5 remember seeing a financial services link and
03:10:34 6 looking at some of -- you know, looking at those
03:10:37 7 links, but I never activated them.

03:10:39 8 Q Okay. And were those links up in the
03:10:41 9 Target, the top --

03:10:44 10 A Actually, no.

03:10:45 11 Q Where were they?

03:10:46 12 A They were -- as JAWS would represent the
03:10:50 13 page, they were at the end of the page, or the
03:10:52 14 bottom is not -- well, maybe the bottom, the end.
03:10:56 15 They were the last things JAWS read starting with
03:11:00 16 the financial services link and then --

03:11:06 17 Q How did you know they were the last
03:11:08 18 things that came up on the page?

03:11:15 19 A Because they appeared at the bottom. I
03:11:20 20 did take some time at one point to look and see
03:11:25 21 what was at the bottom of the page. Not at the
03:11:27 22 home page, but at the bottom of other search pages
03:11:35 23 I had used.

03:11:35 24 Q How did you do that?

03:11:37 25 A Initially, I came across it by -- I came