

# **EXHIBIT B**

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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,

Court File No. C 06-01802 (MHP)

-vs-

TARGET CORPORATION,  
Defendant.

-----  
The Deposition of STEVEN JACOBSON, taken in the  
above-entitled matter, pursuant to Notice, before Gail M.  
Hinrichs, RPR and Notary Public, at 710 Marquette Avenue,  
Bear River Conference Room, in the City of Minneapolis,  
County of Hennepin, State of Minnesota, on the 31st day of  
May, 2006, commencing at approximately 9:40 a.m.

\* \* \*

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1 APPEARANCES:  
 2 CAMILLA ROBERSON, Attorney at Law, of the Law  
 3 Firm SCHNEIDER & WALLACE, 180 Montgomery Street,  
 4 Suite 2000, San Francisco, California 94104, appeared for  
 5 and on behalf of Plaintiffs.  
 6 STUART PLUNKETT, Attorney at Law, of the Law Firm  
 7 MORRISON FOERSTER, 425 Market Street, San Francisco,  
 8 California 94105-2482, appeared for and on behalf of  
 9 Defendant.  
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1 (Whereupon JACOBSON Exhibit 7 was marked for  
 2 identification by the court reporter and  
 3 attached hereto.)  
 4 STEVEN JACOBSON,  
 5 after having been first duly sworn, was  
 6 examined and testified on his oath as follows:  
 7 EXAMINATION  
 8 BY MR. PLUNKETT:  
 9 Q. Can you state and spell your name for the  
 10 record?  
 11 A. Steve Jacobson, S-t-e-v-e-c -- Steven I guess,  
 12 S-t-e-v-e-n, Jacobson, J-a-c-o-b-s-o-n.  
 13 Q. And what is your current address?  
 14 A. 5805 Kellogg Avenue, Edina, Minnesota 55424.  
 15 Q. How long have you been at that address?  
 16 A. Eight years.  
 17 Q. Where did you live previously?  
 18 A. Address? Or city?  
 19 Q. Location.  
 20 A. 5613 Oliver Avenue South, Minneapolis,  
 21 Minnesota 55419.  
 22 Q. And how long were you at that address?  
 23 A. Twenty years.  
 24 Q. What is your date of birth?  
 25 A. October 10, 1950.

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1 Q. Have you had your deposition taken before?  
 2 A. Yes.  
 3 Q. How many times?  
 4 A. Once.  
 5 Q. When was that?  
 6 A. It would have been in the late '70s.  
 7 Q. What were the circumstances of that  
 8 deposition?  
 9 A. There was a nonprofit organization that had  
 10 expelled its membership inconsistent with its bylaws, and  
 11 a number of us had been part of an action to be  
 12 reinstated.  
 13 Q. Well, just a few reminders about how the  
 14 deposition will proceed. Your testimony is under oath  
 15 today as if you were giving testimony in a court. The  
 16 question -- or the deposition will proceed in a question  
 17 and answer format and the court reporter will transcribe  
 18 everything that is said in the room today. Because the  
 19 court reporter can only take down one voice at a time, I  
 20 would ask that you allow me to finish my question before  
 21 you begin your answer and I'll allow you to finish your  
 22 answer before I begin my next question.  
 23 You should also give your attorney an  
 24 opportunity to object to the question before you begin  
 25 your answer, however, unless your attorney instructs you

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1 forth, that there was activity with Target having to do  
2 with this case, I was very -- wanted to make very sure I  
3 understood what was going on. And the person who assisted  
4 me found that button, showed me physically by moving the  
5 mouse there where that button was, but there was no  
6 indication whatsoever by my screen reader that there was a  
7 button there. It wasn't just unlabeled, but the button  
8 itself wasn't present. A screen reader will tell you if  
9 an unlabeled button is present. And I believe at that  
10 point I also switched to JFW, that was where I did my  
11 comparison to see if the button was found there.

12 Q. Was it?  
13 A. No, it was not with either one.

14 Q. How long did you spend on that page with JAWS?  
15 MS. ROBERSON: Objection, asked and  
16 answered.

17 BY MR. PLUNKETT:

18 Q. I'm talking about this particular page, not  
19 the entire site.

20 A. I would guess perhaps ten minutes.

21 Q. And what did you do with JAWS on that page?

22 A. Examined the page very carefully with the  
23 virtual cursor, tabbed through it in which there were  
24 cases in which the tab order included information that I  
25 may have missed with the virtual cursor. And I did the

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1 Q. Do you know if you did that when you were  
2 working with Window Eyes on this page?

3 A. I don't recall if I did or not.

4 Q. Are you familiar with a function on JAWS where  
5 you can turn off the virtual cursor?

6 A. Yes.

7 Q. Did you do that?

8 A. Yes.

9 Q. Does Window Eyes have a similar function?

10 A. Yes.

11 Q. Did you do that?

12 A. Yes, I did.

13 Q. Do you think sitting here today that if you  
14 had attempted to tether the JAWS cursor to the PC cursor  
15 using either JAWS or Window Eyes on this page it might  
16 have made a difference?

17 A. No -- sorry.

18 MS. ROBERSON: Objection, calls for  
19 speculation.

20 BY MR. PLUNKETT:

21 Q. And your answer was no?

22 A. No, I don't believe it would have.

23 Q. Why do you not believe it would have?

24 A. Because in looking at the screen with the  
25 virtual cursor, with JAWS and the JAWS cursor tabbing

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1 same thing with Window Eyes.

2 Q. When your daughter helped you find the button  
3 did -- did you or she activate the button?

4 A. No. I decided at that point I wasn't going to  
5 go any further.

6 Q. Did you at any point on the web site fill out  
7 address information for shipping?

8 A. I believe I did, but I don't remember for  
9 certain.

10 Q. Do you recall what your daughter told you  
11 about what was on this page that she looked at for you?

12 A. She said that the continue to checkout button  
13 looked pretty much like the proceed to checkout or  
14 something to that effect.

15 Q. So she saw both a continue to checkout button  
16 and a proceed to checkout button?

17 A. Yeah.

18 Q. Are you familiar with the function on JAWS  
19 where you can tether the JAWS cursor to the PC cursor?

20 A. Yes.

21 Q. Do you know if you attempted to do that on  
22 this page when you were using JAWS?

23 A. I don't remember if I did that or not.

24 Q. Does Window Eyes have a similar function?

25 A. Yes.

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1 through the page with neither cursor active and looking at  
2 it with both equivalents of Window Eyes and with my  
3 daughter positioning the mouse on the button which Window  
4 Eyes provides some feedback for, there is absolutely no  
5 indication of something being there. So that had I even  
6 gotten to it, I would not have had any clue what it did.  
7 I would not have even known it was a button.

8 Q. How long were you on this page before you  
9 asked for your daughter's assistance?

10 A. Probably 20 minutes.

11 Q. Have you ever attempted to contact Target.com  
12 regarding problems you've had on their web site?

13 A. No.

14 Q. Did you ever attempt to look for contact  
15 information for Target.com for the purpose of contacting  
16 them about problems?

17 A. No, I didn't.

18 Q. Do you shop in Target stores?

19 A. Yes.

20 Q. How often do you shop at Target stores?

21 A. I probably am there every month or so. My  
22 family goes there every week, and my wife is probably  
23 there right now.

24 Q. Do you require assistance when you shop at  
25 Target?

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1 A. When I go in there, I get some assistance.  
 2 Q. Who provides the assistance to you?  
 3 A. I will usually go to a counter and ask where a  
 4 department is if I'm not sure where it is. I'm somewhat  
 5 familiar with the Target store we go to regularly. Once I  
 6 get to the area, I will usually just ask someone, a  
 7 salesperson or a shelf person, if they can assist if it's  
 8 nothing major.  
 9 Occasionally we hire someone to go with to do  
 10 shopping, and that's generally how my wife does it.  
 11 Q. Whenever you have asked someone in a Target  
 12 store for assistance in shopping, have you been provided  
 13 with that service?  
 14 A. Yes.  
 15 MR. PLUNKETT: Those are all the  
 16 questions I have. Thank you very much for your time.  
 17 MS. ROBERSON: You're free to go.  
 18 (Deposition concluded at 11:30 a.m.)  
 19  
 20  
 21 STEVEN JACOBSON  
 22 Subscribed and sworn to  
 23 before me this day  
 24 of 2005.  
 25  
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1 (UPON COMPLETION, forward this original Reading and Signing  
 Certificate to Attorney Stuart Plunkett, who already has  
 2 the Sealed Original.)  
 3 STEVEN JACOBSON  
 4 I, STEVEN JACOBSON, do hereby certify that I  
 5 have read the foregoing transcript of my Deposition and  
 6 believe the same to be true and correct, (or, except as  
 follows, noting the page and the line number of the change  
 or addition desired and the reason why):  
 7  
 8 Page Line Change or Addition Reason  
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 25 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
 GMH  
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1 STATE OF MINNESOTA)  
 ) SS.  
 2 COUNTY OF WRIGHT )  
 3  
 4 Be it known that I took the deposition of STEVEN  
 JACOBSON, on the 31st day of May, 2006, at 710 Marquette  
 5 Avenue, Bear River Conference Room, Minneapolis,  
 Minnesota;  
 6 That I was then and there a Notary Public in and  
 for the County of Wright, State of Minnesota, and that I  
 7 was duly authorized to administer an oath;  
 8 That the witness before testifying was first duly  
 sworn to testify the truth and nothing but the truth;  
 9  
 10 That the testimony was recorded by myself and  
 transcribed into a computer-aided transcript and that the  
 deposition is a true record of the testimony given by the  
 11 witness to the best of my ability;  
 12 That the cost of the original transcript has been  
 charged to the party noticing the deposition, unless  
 13 otherwise agreed upon by Counsel; and that copies have  
 been made available to all parties at the same cost,  
 14 unless otherwise agreed upon by Counsel;  
 15 That I am not related to any of the parties  
 hereto nor interested in the outcome of the action;  
 16  
 17 That the reading and signing of the deposition by  
 the witness was not waived, and that the original  
 transcript will be retained by Stuart Plunkett;  
 18  
 19 WITNESS MY HAND AND SEAL THIS 31st day of May,  
 2006.  
 20  
 21  
 22 GAIL M. HINRICHS  
 Registered Professional Reporter  
 23  
 24  
 25  
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