

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

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5 NATIONAL FEDERATION OF THE) Case No.
6 BLIND, et al.,) -C 06-01802 MHP
7 Plaintiffs,)
8 v.)
9 TARGET CORPORATION,)
10 Defendant.)
11 -----

12
13 DEPOSITION OF KEN VOLONTE
14 THURSDAY, MAY 25, 2006
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22 BY: CHRISTINE L. JORDAN, CSR NO. 12262
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1 Thursday, May 25, 2006 2:01 P.M.

2
3 KEN VOLONTE,
4 having been first duly sworn, was examined and
5 testified as follows:

6 THE WITNESS: I do.
7 EXAMINATION

8 BY MR. PLUNKETT:

9 Q. Could you state and spell your name for the
10 record.

11 A. Yes. My name is Ken Volonte; last name is
12 V-O-L-O-N-T-E.

13 MR. PLUNKETT: If you all have any way to
14 move the speaker phone closer to the witness, I'm
15 having a very difficult time hearing.

16 THE REPORTER: Give us one moment, please.
17 (Discussion held off the record.)

18 BY MR. PLUNKETT:

19 Q. Could you state your current address, please.

20 A. Yes. 515 West Alpine Avenue, Stockton. And
21 the zip is 95204.

22 Q. How long have you been at that address?

23 A. Um, 22 years.

24 Q. And what's your date of birth?

25 A. 7/29/51.

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1 Q. Have you ever been deposed before?

2 A. Yes.

3 Q. When were you deposed?

4 A. Um, I was deposed in probably 1980. And this
5 was in regard to an accident that I was in.

6 Q. Is that the only deposition you've ever had
7 taken previously?

8 A. Yes.

9 Q. Well, that was quite a while ago so it may be
10 worth reminding you about some of the deposition
11 procedure.

12 Your testimony today is under oath as if you
13 were testifying in court. The deposition will proceed
14 in a question-and-answer format with the court reporter
15 transcribing everything that is said on this telephone
16 call.

17 And because we're on a telephone, it's
18 particularly important that we all attempt to wait for
19 the other person to stop speaking before we begin
20 speaking. I will try to wait for you to finish your
21 answers before I start the next question. I apologize
22 in advance if I occasionally interrupt you. Just let
23 me know, and I will allow you to finish your answer.

24 I would ask that you also pause before you
25 begin answering a question. Your attorney has the

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1 right to object to the question; however, unless you
2 are instructed not to answer a question, you should
3 answer the question with the exception being that you
4 should not answer questions you don't understand.
5 Instead, you should let me know that you don't
6 understand a question, and I will attempt to rephrase
7 it.

8 A. Understood.

9 Q. If at any time during the deposition you need
10 a break, please say so and we can all put our phones on
11 hold or we can call back in. Fair enough?

12 A. Yes.

13 (Reporter interruption.)

14 (Discussion held off the record.)

15 MR. PLUNKETT: Back on the record.

16 BY MR. PLUNKETT:

17 Q. Mr. Volonte, what did you do to prepare for
18 today's deposition?

19 A. I spoke with the attorney for a while
20 yesterday.

21 Q. How long was that conversation?

22 A. I would guess an hour, maybe a little bit
23 less.

24 Q. Did you review any documents in preparation
25 for your deposition?

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1 A. No.

2 Q. Have you done anything else other than meet
3 with your attorney to prepare for the deposition?

4 A. No.

5 Q. Do you have a visual impairment?

6 A. Yes.

7 Q. Will you describe your visual impairment,
8 please?

9 A. Yes. I'm totally blind, and it's congenital.

10 Q. How long have you been totally blind?

11 A. All my life. I was born this way.

12 Q. Can you describe your educational background,
13 please?

14 A. Okay. Working backwards, I have an MA in ed
15 psych from USF. I have a BA in English from UOP,
16 University of the Pacific. I attend - I attended
17 public, you know, elementary and middle school and high
18 school.

19 Q. In what years did you achieve your bachelor's
20 and master's degrees?

21 A. I achieved my bachelor's in 1973 and my
22 master's in 1983.

23 Q. Are you currently employed?

24 A. No.

25 Q. When were you last employed?

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1 are any other websites where you've tried to make a
2 purchase but you've had difficulty and, similar to
3 Target.com, you were unable to make your purchase.

4 A. No. Um, other businesses make the -- attempt
5 to make their websites as accessible as possible. And
6 if they find out that their websites are not
7 accessible, generally it's fixed in short order.

8 Q. Do you have any particular websites in mind
9 when you say that?

10 A. Um, I believe Sears -- a couple websites like
11 Sears, they were not -- they were not text-only sites.
12 And when -- you know, when -- when it was pointed out
13 to them that we -- that that's what we needed, the
14 stores complied.

15 Q. Have you ever had any communication with
16 Target or Target.com regarding their website?

17 A. Happened to mention it once in a -- in the
18 store that's near me that their website was not
19 accessible, just in passing to one of the clerks.

20 That's what surprises me about the
21 inaccessibility of the Target website, is the people
22 are so nice to me in the store.

23 Q. What was the response from the Target
24 employee when you made that comment?

25 A. Um, "Oh, wow. That's not right." That was,
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1 you know, what they had said.

2 Q. So have you shopped at Target stores with the
3 assistance of Target employees?

4 A. Yes.

5 Q. Have you had any problem with that?

6 A. No. As I said, that's what surprises me
7 about this -- this website, you know. Target even has
8 had special times when -- you know, when they have had
9 special hours for people with disabilities, and I have
10 found it very -- very easy to shop there. So it should
11 be very easy to shop on the website as well, but it's
12 not.

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

14 A. Oh, around, you know, Christmastime and
15 relatives' birthdays and stuff like that. I would say
16 maybe three, four times a year.

17 Q. How do you get from your home to the Target
18 store?

19 A. Usually I take -- I'll either take a cab or
20 there's -- it's on a bus line. Or my -- you know, my
21 wife and I go out to breakfast, and the Target is right
22 next to a restaurant where we eat.

23 Q. And when you go to Target without your wife,
24 you ask for assistance from a Target employee when
25 shopping?

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1 A. Yes.

2 Q. And that's a service that Target has always
3 made available to you when you've asked?

4 A. Yes.

5 MS. ROBERSON: Again, give me just a chance
6 to object.

7 THE WITNESS: Sure.

8 MS. ROBERSON: But objection as to form.

9 MR. PLUNKETT: Those are all the questions I
10 have, and I very much appreciate your time.

11 THE WITNESS: Thank you.

12 MS. ROBERSON: Thank you.

13 MR. PLUNKETT: We can go off the record.
14 (At 3:04 P.M., the deposition proceedings
15 concluded.)
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KEN VOLONTE

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1 CERTIFICATE OF REPORTER
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3 I hereby certify that the witness in the
4 foregoing deposition, KEN VOLONTE, was by me duly sworn
5 to testify to the truth, the whole truth and nothing
6 but the truth, in the within-entitled cause; that said
7 deposition was taken at the time and place herein
8 named; that the deposition is a true record of the
9 witness's testimony as reported by me, a duly certified
10 shorthand reporter and a disinterested person, and was
11 thereafter transcribed into typewriting by computer.

12 I further certify that I am not interested in
13 the outcome of the said action, nor connected with nor
14 related to any of the parties in said action, nor to
15 their respective counsel.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 30th day of May, 2006.
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20 CHRISTINE L. JORDAN, CSR #12262
21 STATE OF CALIFORNIA
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