

EXHIBIT F

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 o himself *
and all others similarly *
situated

C 06-01802 MHP

vs.

TARGET CORPORATION

* * * * *

TELEPHONIC DEPOSITION OF ROBERT AYALA

Deposition taken at the residence of
Robert Ayala, 46 Fairmount Street,
Nashua, New Hampshire, on Wednesday,
May 31, 2006, commencing at 3:01 p.m.

Court Reporter: Liza W. Dubois, RMR, CRR
CCR No. 104

APPEARANCES

For the Plaintiffs: SCHNEIDER & WALLACE
180 Montgomery Street
Suite 2000
San Francisco, California 94104
By: Camilla Roberson, Esq.

For the Defendant: MORRISON FOERSTER
425 Market Street
San Francisco, California 94105
By: Stuart Plunkett, Esq.

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ROBERT AYALA

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1 ROBERT AYALA,
2 having been duly sworn, was deposed and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. PLUNKETT:

6 Q. Can you state and spell your name for
7 the record?

8 A. Robert Ayala, R-o-b-e-r-t, A-y-a-l-a.

9 Q. What is your current address?

10 A. 46 Fairmount, F-a-i-r-m-o-u-n-t,
11 Street, Nashua, New Hampshire, N-a-s-h-u-a, zip
12 code --

13 Q. How long have you --

14 A. Zip code --

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

16 A. December of 2000, going on five and a
17 half years.

18 Q. Where did you live before that?

19 A. Texas.

20 Q. Where in Texas?

21 A. Mineola, Texas.

22 Q. How long did you live in Mineola?

23 A. Roughly eight years.

24 Q. What's your date of birth?

25 A. 3/9/51.

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1 Q. Have you ever had your deposition taken
2 before?

3 A. No.

4 Q. Just a couple of points about the way
5 the deposition will proceed.

6 Your testimony today is under oath
7 as if you were testifying in a court. The court
8 reporter will take down everything that is said
9 during this telephone deposition and because it is a
10 telephone deposition, it's especially important that
11 you wait for me to finish my question before you
12 begin an answer and that I wait for you to finish
13 your answer before you begin a question -- before I
14 begin a question.

15 If at any time I cut you off as a
16 result of difficulties with the telephone conference
17 call, just let me know and I'll allow you to complete
18 your answer.

19 You should also allow your attorney
20 time to object before you begin an answer. Even if
21 your attorney objects, you should answer the question
22 unless your attorney instructs you not to answer it.

23 Also, if you don't understand a
24 question I ask, you can ask me to rephrase it or to
25 clarify it.

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1 accessible on that page.
 2 **Q.** When you were on Target.com looking for
 3 this wedding gift, did you attempt to access your
 4 friend's wedding registry?
 5 A. I believe I did.
 6 **Q.** How did you do that? Withdrawn.
 7 Were you able to access the registry?
 8 A. No, I was not.
 9 **Q.** Why not?
 10 A. It just didn't work very well.
 11 **Q.** Were you able to find a link to
 12 Target's wedding registry?
 13 A. I think this was the incident when I
 14 was clicking on things that I did not know what they
 15 were and just to see where they would take me because
 16 I really wanted to get something for their registry.
 17 So I had been up on the site a number of times.
 18 Target obviously pays a lot of money
 19 to Google, so there are times when I Google a
 20 particular product I want -- I'm interested in
 21 possibly purchasing and Target comes up as the number
 22 one selection. So I've gone there just to try it
 23 again, but -- so some of this kind of runs together
 24 for me.
 25 **Q.** Okay. Well, let me -- let's go back
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1 to when you were searching for this gift for your
 2 friends in December 2005 and just tell me what you
 3 remember.
 4 Do you remember finding a link to
 5 Target's wedding registry?
 6 A. I believe so.
 7 **Q.** Do you remember whether or not you
 8 accessed that link?
 9 A. If I recognized the site, I would have
 10 clicked on it. I mean, if I had recognized the link,
 11 if it said wedding registry.
 12 **Q.** Do you know whether or not you did
 13 that?
 14 A. Not for sure. It has been my habit,
 15 like I said, if I'm really interested in something,
 16 to just go and click and see where it leads me and
 17 what it says because I don't have the patience to
 18 sit there and listen to a string of numbers. I'm
 19 not talking just about Target, just any site. It's
 20 something I've done at times.
 21 **Q.** You don't have the patience for what?
 22 A. To sit through a long string of
 23 numbers.
 24 **Q.** If JAWS is reading a long string of
 25 numbers attempting to identify a portion of a web
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1 site page, are you able to skip past that to the next
 2 element on the page?
 3 A. Yes.
 4 **Q.** Is that something that you do?
 5 A. Yes, most definitely.
 6 **Q.** In paragraph 18 of your declaration
 7 you state that you attempted to access the weekly
 8 advertisement page on Target.com, but you were unable
 9 to access it with your screen reading software.
 10 When was that?
 11 A. I believe that would have been after
 12 the wedding thing, after December. So it would have
 13 been sometime earlier this year.
 14 **Q.** And what happened when you tried to
 15 access the weekly ad?
 16 A. Not much of anything. It was not -- it
 17 was not something I was specifically looking for, but
 18 just curious, what have they got on sale.
 19 **Q.** Do you know of any other ways that you
 20 can find out what Target's weekly ads are?
 21 A. No.
 22 **Q.** How long did you spend on Target.com
 23 trying to access their weekly advertisement?
 24 MS. ROBERSON: Objection; overbroad.
 25 A. I don't recall. Probably not very
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1 long.
 2 **Q.** Less than ten minutes?
 3 A. Probably. I am fairly proficient at
 4 navigating a site that is navigable with JAWS. And
 5 if I can tell if it's not friendly, I just -- I don't
 6 have the time to fiddle with it, so I move on.
 7 **Q.** And is that how you would describe
 8 Target's web site?
 9 MS. ROBERSON: Objection; vague.
 10 A. You want to rephrase the question?
 11 **Q.** Right. You said that if a web site is
 12 not friendly, you don't have time to fiddle with
 13 it --
 14 A. Yes.
 15 **Q.** -- and that you move on. Is that how
 16 you would describe Target's web site?
 17 A. Yes. That has been the history with me
 18 and Target.
 19 **Q.** In paragraph 19 of your declaration, it
 20 states, "I have been told that there is also a baby
 21 registry on Target.com in addition to the wedding
 22 registry --
 23 A. Yes.
 24 **Q.** -- and if the site were accessible, I
 25 would much prefer using those features to traveling
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1 to the physical stores in order to purchase gifts.
 2 Have you ever attempted to access
 3 Target.com's baby registry?
 4 A. No.
 5 Q. Have you ever attempted to contact
 6 Target.com with respect to any of the difficulties
 7 you've experienced on the web site?
 8 A. No.
 9 Q. Have you ever looked for contact
 10 information for Target.com?
 11 A. No.
 12 Q. Do you ever shop in Target stores?
 13 A. Yes.
 14 Q. How often do you do that?
 15 A. We have not been in in a while, but we
 16 used to, you know, do it every -- maybe two, three
 17 times a year.
 18 Q. Is that you and your wife?
 19 A. Yes.
 20 Q. Is your wife sighted?
 21 A. Yes.
 22 Q. Have you ever been to a Target store
 23 without a sighted person?
 24 A. No.
 25 Q. Have you ever had the need to ask

1 anyone at a Target store for assistance in helping
 2 you find products?
 3 A. No.
 4 Q. And I should be a little more clear in
 5 that question. I mean asking for assistance as a
 6 result of your visual impairment.
 7 A. No.
 8 Q. Do you know whether or not that service
 9 is available at Target?
 10 A. I would imagine it is. A lot of stores
 11 do offer help for handicapped people, but I just
 12 never really thought about it, to tell you the truth.
 13 MR. PLUNKETT: That's all the questions
 14 I have. Thank you very much for your time.
 15 THE WITNESS: Well, thank you.
 16 MS. ROBERSON: Thank you.
 17 (The deposition of Robert Ayala
 18 concluded at 4:21 p.m.)
 19 (Ayala Exhibit No. 8 was marked for
 20 identification.)
 21
 22
 23
 24
 25

1 CERTIFICATE OF WITNESS
 2 I, Robert Ayala, do hereby swear/affirm
 3 that I have read the foregoing transcript of my
 4 testimony, and further certify that it is a true and
 5 accurate record of my testimony (with the exception
 6 of the corrections listed below):
 7 Page Line Correction
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18 Robert Ayala
 19 Subscribed and sworn to before me this day
 20 of, 2006.
 21
 22 Notary Public/Justice of the Peace
 23 My Commission Expires:
 24
 25

1 CERTIFICATE
 2 I, Liza W. Dubois, a Registered Merit
 3 Reporter, Certified Realtime Reporter and Notary
 4 Public of the State of New Hampshire, do hereby
 5 certify that the foregoing is a true and accurate
 6 transcript of my stenographic notes of the deposition
 7 of Robert Ayala who was first duly sworn, taken at
 8 the place and on the date hereinbefore set forth.
 9 I further certify that I am neither
 10 attorney nor counsel for, nor related to or employed
 11 by any of the parties to the action in which this
 12 deposition was taken, and further that I am not a
 13 relative or employee of any attorney or counsel
 14 employed in this case, nor am I financially
 15 interested in this action.
 16 THE FOREGOING CERTIFICATION OF THIS
 17 TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE
 18 SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL
 19 AND/OR DIRECTION OF THE CERTIFYING REPORTER.
 20
 21 Liza W. Dubois, RMR, CRR
 22 N.H. Certified Court Reporter
 23 CCR No. 104
 24
 25