

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DESTINATION MATERNITY)
CORPORATION,)
Plaintiff)

VS.) CASE NO. 2:12-CV-05680-AB

TARGET CORPORATION, CHEROKEE)
INC., and ELIZABETH LANGE, LLC,)
Defendants)

VIDEOTAPED ORAL DEPOSITION OF
MINDY SIMON
OCTOBER 10, 2013

REPORTED BY:
KATHRYN R. BAKER, RPR, CSR #6955
JOB #66682

1 VIDEOTAPED ORAL DEPOSITION OF MINDY SIMON,
2 produced as a witness at the instance of the DEFENDANTS,
3 and duly sworn, was taken in the above-styled and numbered
4 cause on the 10th day of October, 2013, from 9:12 a.m. to
5 4:02 p.m., before Kathryn R. Baker, CSR, RPR, in and for
6 the State of Texas, reported by machine shorthand, at the
7 offices of JC Penney, 6501 Legacy Drive, in the City of
8 Plano, State of Texas, pursuant to the Federal Rules of
9 Civil Procedure.

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1 with a made sample based on our specifications.

2 Q. Then would there -- would you have any revisions
3 to that sample?

4 A. Usually.

5 Q. And how many -- how many rounds of revisions
6 would be typical?

7 A. Two to three probably.

8 Q. And so this was a series of communications back
9 and forth between you and the supplier, tweaking the
10 design, essentially, or the --

11 A. Yes.

12 Q. Well, scratch that.

13 A series of communications back and forth
14 between you and the supplier, tweaking the physical sample
15 they provided?

16 A. Yes.

17 Q. And so was that more or less how it went in
18 every design scenario?

19 A. Yes.

20 Q. Was there anything particular or special to
21 maternity that other --

22 A. Yes.

23 Q. -- design projects didn't have?

24 A. Yes.

25 Q. Like what?

1 A. The fit is much more complicated.

2 Q. What do you mean?

3 A. How it fits the body, because you have this
4 belly that is changing every single day, and you want this
5 pant to fit numerous women of all different sizes of all
6 different stages of pregnancy. So it's really hard to get
7 a good-fitting maternity pant.

8 Q. How do you address that issue in designing
9 maternity pants?

10 A. That's why there's multiple styles to address
11 different fits for different women.

12 Q. When you think about designing for maternity,
13 and you think about the growing abdomen of a pregnant
14 wearer, that growth is -- is going to be inconsistent
15 potentially?

16 A. Absolutely.

17 Q. And this -- this may sound trite, but is -- when
18 you're thinking about a pregnant wearer's stomach, is it
19 always rounded?

20 A. No.

21 Q. It could be different shapes?

22 A. Yes.

23 Q. How do you accommodate for that in design?

24 A. That's why there's stretch in the waistband.

25 So, that way, the waistband or panel will stretch to

1 testings?

2 A. No.

3 Q. How would you keep track of the feedback that
4 you got?

5 A. Well, it's only relevant for the time frame
6 you're talking about. So we get the feedback; we'd
7 develop the pant. If it sold, great, we'd continue it; if
8 it didn't sell, we'd mark it down and try something new.

9 Q. Okay. Do you remember any specific feedback for
10 this -- for the 167 style?

11 A. The feedback I remember is everyone loved that
12 they could wear it no matter how big or small pregnant
13 they were.

14 Q. And how would somebody wear it in those, as you
15 explained, big or small, no matter how pregnant?

16 A. I don't understand the question.

17 Q. Is there a different ways of wearing the pant
18 depending on how big you are? You said they could wear it
19 no matter what.

20 A. Yes. It could be up, middle, or down all the
21 way.

22 Q. Okay. Now, could each of these ways of wearing
23 the pant be worn throughout a pregnancy?

24 A. Yes. It depends on the customer.

25 Q. What about the normal -- whatever -- whatever

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