

2022 SEP 14 PM 2:58

JAMES L. SPAETH
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
WARREN COUNTY, OHIO

Carol Donovan *et al.*,

Plaintiffs,

v.

City of Lebanon *et al.*,

Defendants.

:
:
: Case No. 21CV94117

:
: Judge Tepe
: Magistrate Moll

:
:
: AFFIDAVIT OF DAVID
: IANNELLI IN SUPPORT OF
: PLAINTIFFS' OPPOSITION TO
: DEFENDANTS' MOTION FOR
: SUMMARY JUDGMENT

I, DAVID IANNELLI, having been first duly sworn upon oath, depose and say:

1. I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.
2. I have reviewed my testimony from my deposition on June 23, 2022.
3. I am employed as a music educator by the Lebanon School District. I have held this position since 1994.
4. For 24 years, from 1994-2018, I was also in charge of the marching band. I stopped working with the marching band after the 2007-18 school year, when my son graduated from high school.
5. Leading the marching band was an incredible time commitment. I estimate that I worked on average 14 hours a day 11 months of the year when I was both a music educator and in charge of the marching band.
6. Once I stopped leading the marching band, I prioritized spending time with my family, something I had not been able to do with my fuller work schedule. At the time I stepped back from leading the marching band, I was physically, mentally, and spiritually exhausted from my years of working an incredibly demanding schedule.

7. Between the time I finished leading the marching band (2018) and the time the Covid-19 pandemic closures began (March 2020), I focused on improving my health and spending time with my family—two things I had not been able to do enough while leading the marching band.

8. As I got further from my stepping back from the marching band in 2018, I wanted to start attending more Lebanon City Council meetings as a way to get more involved in my local community—particularly because I would like to open a business in Lebanon one day. However, the COVID-19 pandemic soon began, and this temporarily prevented me from attending meetings in person, as they were remote for a period of time.

9. Around the time the COVID-19 pandemic began, the City Council also passed Ordinance No. 2020-022, which allows people to bring concealed carry guns to City Council meetings.

10. As I testified at my deposition, I believe that having guns at City Council meetings makes the meetings more dangerous. The meetings can turn contentious, emotional, and volatile.

11. As I testified at my deposition, I believe that, for a City Council to function effectively, its meetings need to happen in a safe environment. In order to have a safe environment, people need to feel comfortable where they are sitting.

12. For instance, when asked about my concerns regarding the Ordinance, I explained that City Council meetings sometimes become heated, and a heated City Council meeting could turn violent if firearms are present, because firearms give an angry person another tool to reach for when they might not be thinking clearly. Iannelli Dep. 51:24-54:9, 58:12-66:20.

13. Earlier in my deposition, I had explained that I had attended between five and 10 City Council meetings over my years in Lebanon, often with the marching band and a few times due to my personal interest in topics being discussed. Iannelli Dep. 54:10-56:13. I had also already

explained that the marching band took up an incredible amount of my time while I led it, and I generally did not have time to go to City Council meetings. Iannelli Dep. 56:4-8.

14. Immediately after discussing my concerns that concealed guns make City Council meetings more dangerous, I was asked why I don't go to City Council meetings. Iannelli Dep. 66:22-23. I had already explained my grueling work schedule up until 2018 and what I understood to be my obvious concerns about guns in City Council meetings after the Ordinance passed in March 2020. However, I had not yet explained why I did not attend City Council meetings in the period between 2018 and the passage of the Ordinance (March 2020).

15. I wanted to be sure I told the whole truth, so I tried to fill in that gap in my answer. I reiterated that, until 2018, I physically could not attend because I was too busy with work. Then I explained how I stepped back from the marching band, took time for myself and my family, and then the COVID-19 pandemic began. Iannelli Dep. 66:24-67:17. That's where my answer stopped—at the point in time around when the Ordinance was passed. We then switched to another topic. Iannelli Dep. 67:18-21.

16. Currently, I would like to attend more City Council meetings in person. But even though I have recovered from the grueling period of my career and the Covid-19 pandemic is more under control, I am still fearful about attending City Council meetings because of the presence of guns.

17. The presence of guns at City Council meetings also has made me fearful to express my own opinions freely out of fear of provoking an argument that could quickly escalate into a potentially violent situation. As I said in my deposition, guns are a tool people could reach for if they are not thinking clearly, and by their nature, they can be extremely destructive.

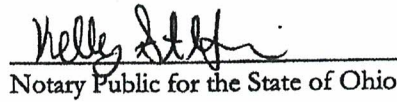
18. In sum, the Ordinance is absolutely a factor in me not attending or speaking at Lebanon City Council meetings presently or in the future. Whenever I am outside my home in Lebanon, I am aware of the presence of guns. I would be at City Council meetings, too.

* * *

DATED this 12 th day of September, 2022


DAVID IANNELLI

SUBSCRIBED AND SWORN TO before me this 2 th day of September, 2022


Notary Public for the State of Ohio



Kelly M St Germain
Notary Public, State of Ohio
My Commission Expires:
March 14, 2026