

Kelly M. Drew, ID Bar 9985  
[kdrew@grsm.com](mailto:kdrew@grsm.com)  
Brittney C. Adams, ID Bar 11754  
[badams@grsm.com](mailto:badams@grsm.com)  
GORDON REES SCULLY MANSUKHANI, LLP  
999 W. Main Street, Suite 100  
Boise, ID 83702  
Tel: 208-489-9095  
Fax: 877-306-0043

*Counsel for Defendant North Idaho College*

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

DOMINIC SWAYNE, an individual,

Plaintiff,

v.

NORTH IDAHO COLLEGE, a community  
college in the State of Idaho,

Defendant.

Case No.: CV28-22-7712

*Hon. Cynthia K.C. Meyer*

**DECLARATION OF TODD  
BANDUCCI IN SUPPORT OF  
DEFENDANT’S MOTION FOR  
RECONSIDERATION**

I, TODD BANDUCCI, declare as follows:

1. I am a Trustee for North Idaho College. I have personal knowledge of the information contained in the declaration and if called as a witness in this matter, I could and would testify thereto under oath.

2. I have reviewed the transcript from the hearing on February 24, 2023.

3. Dr. Swayne testified that I sent him an email that he testified was “communicating a threat” which stated “basically just wait, you only have 52 days left.”

4. I have never threatened Dr. Swayne, in email or otherwise, and Dr. Swayne’s testimony on this point was deceptive.

DECLARATION OF TODD BANDUCCI

5. Attached hereto as **Exhibit A** is the email that I believe Dr. Swayne is referring to.

6. The email is not addressed to Dr. Swayne; it is a group email to other NIC Board members, specifically to David Wold as the Board Chair. The reference to the days until the election pertained to the fact that David Wold was not running for re-election and his Chairmanship would be ending.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this document on this 17th day of March, 2023, in Coeur d'Alene, Idaho.

DocuSigned by:  
*Todd Banducci*  
307B036F2C8D4E8...  
TODD BANDUCCI

# EXHIBIT A

**From:** Todd Banducci tmbanducci@NIC.EDU

**To:** David Wold dawold@nic.edu, Peter Broschet pmbroschet@nic.edu, Gregory McKenzie gmmckenzie@nic.edu, John Goedde jwgoedde@nic.edu

**Cc:** Marc Lyons (marc@lyonsodowd.com) marc@lyonsodowd.com, Nick Swayne ddswayne@nic.edu, Shannon Goodrich sgoodrich@NIC.EDU

**Date:** Thu, Sep 15, 2022, 4:37 PM

Is this a draft or a final agenda? If it's a final, thanks for the ability to have input. NOT. Two weeks out seems a bit premature to go final, but when you're controlling the agenda with an iron fist, I guess it really doesn't matter. So glad we're all working together. 54 days. Cheers, todd

## CERTIFICATE OF SERVICE

On March 17 2023, I caused the foregoing document to be filed via the Court's iCourt CM/ECF system which will send same to all counsel of record in this matter.

Tara Malek, ISB 8709 Katie L. Daniel, ISB 10473 Kyle A. Engels, ISB 11109 Smith + Malek, PLLC 601 E. Front Street, Suite 304 Coeur d'Alene, ID 83814 (208) 215-2411 <a href="mailto:service@smithmalek.com">service@smithmalek.com</a> Attorney for Plaintiff	By Hand Delivery By U.S. Mail By Overnight Mail By Facsimile By Email X By iCourt
Bret A. Walther Anderson Julian & Hull LLP 250 S. 5 <sup>th</sup> Street , Suite 700 Boise, ID 83702 (208) 344-5800 (208) 344-5510 <a href="mailto:bwalther@ajhlaw.com">bwalther@ajhlaw.com</a> Attorney for Defendants	By Hand Delivery By U.S. Mail By Overnight Mail By Facsimile By Email X By iCourt

/s/ Kelly M. Drew

Kelly M. Drew, ID Bar 9985

kdrew@grsm.com

DECLARATION OF TODD BANDUCCI