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LUBA DACE
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

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| LUBA DACE,<br><br>Plaintiff,<br><br>v.<br><br>MELVIN GRIMES, BENJAMIN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS,<br><br>Defendants. | Case No.:<br>Dept. No.:<br><br>**SECOND AMENDED COMPLAINT FOR LEGAL MALPRACTICE, CIVIL CONSPIRACY, BREACH OF FIDUCIARY DUTY, FRAUD/INTENTIONAL MISREPRESENTATION, CONCERT OF ACTION** |

Plaintiff LUBA DACE alleges as follows:

1. This Court has jurisdiction over this action pursuant to Article 6, Section 6 of the Nevada Constitution.
2. Venue is proper in Clark County pursuant to NRS 13.010 because the events giving rise to this action occurred in Clark County, Nevada, and Defendants reside and conduct business within this county.



Case Number: A-25-922833-C

3. Plaintiff LUBA DACE resides in Clark County, Nevada.
4. Defendant BENJAMIN B. CHILDS is a licensed attorney in Nevada practicing in Clark County.
5. Defendant LAW OFFICE OF BENJAMIN B. CHILDS, ("the Firm") operates as a legal entity in Clark County, Nevada and is located at [redacted] Las Vegas NV 89101.
6. Defendant MELVIN GRIMES is a licensed attorney in Nevada practicing in Clark County, and at all times relevant hereto represented Plaintiff's ex-husband, Enrique Gonzalez.
7. Mr. Grimes, at all times relevant hereto, acted within the course and scope of his employment, agency, or partnership with LAW OFFICES OF ROBERTS STOFFEL, [redacted]
8. December 2021, Mr. Childs filed a Notice of Appearance to represent Plaintiff in Gonzalez v. Gonzalez, Case No. D-575860-D.
9. Mr. Child's represented Plaintiff from approximately December 2021 to June 2023.
10. In March 2023, Childs advised Plaintiff not to permit her minor child's travel to Mexico due to safety concerns and her ex-husband's failure to meet specific conditions, including providing round-trip CBX tickets.
11. Relying on Mr. Childs' advice, Plaintiff withheld the child from international travel.
12. During the March 19, 2023 custody hearing, Mr. Childs provided false testimony under oath, misleading the court regarding prior legal advice given to Plaintiff.
13. Mr. Childs' testimony directly contradicted prior written instructions he gave Plaintiff, misleading the court into believing Plaintiff acted unlawfully and independently.

14. Mr. Childs falsely represented in court that Plaintiff authorized communications to Airbnb, misleading the court.
15. Plaintiff never authorized this communication to Air BnB.
16. Mr. Childs never sent any letters to Air BnB.
17. The court relied on Mr. Childs' false testimony and admissions in its custody determination.
18. The court's reliance on Mr. Childs false testimony resulted in Plaintiff losing joint custody and suffering substantial harm.
19. In December of 2021, Mr. Grimes engaged in improper ex-parte communications with the presiding judge at the time, Mary Perry, during the pendency of the underlying custody action.
20. Mr. Grimes intentionally excluded Plaintiff from those communications thereby depriving her of her right to due process.
21. This improper communication directly and negatively impacted the court's decision-making process, resulting in severe harm to Plaintiff's custody rights.
22. Further, Mr. Grimes was fully aware of an existing court-approved stipulation detailing the conditions required for international travel with the minor child.
23. During the March 19 and October 15, 2024, custody hearing, Mr. Grimes intentionally misrepresented the facts in court proceedings to obscure the existence of an existing court-approved stipulation.
24. Mr. Grimes ignored the stipulation to create a false impression that Plaintiff had acted without justification.
25. During that same trial, Mr. Grimes improperly invoked criminal statutes during family court proceedings, a venue lacking jurisdiction over criminal matters.

26. Mr. Grimes introduced these criminal allegations specifically to prejudice Plaintiff's custody rights and improperly influence judicial decisions.

**CAUSES OF ACTION**

**COUNT I: LEGAL MALPRACTICE**

27. From December 2021 to June 2023, Mr. Childs owed Plaintiff a duty of competent and truthful representation.

28. April 2023, Mr. Childs breached this duty by filing a motion for an order to show cause with no points and authorities.

29. This lack of legal authority rendered the motion unreviewable.

30. On March 19, 2024, Mr. Childs further breached this duty by giving false testimony under oath and misleading the court about legal advice previously given.

31. Mr. Childs' breach directly caused Plaintiff's loss of joint custody and resulting emotional, reputational, and financial harm.

32. But for Mr. Childs' false testimony, deficient filings, and misleading statements under oath:

(a) Plaintiff would not have been deemed to have unlawfully withheld her child;

(b) the court would not have applied a presumption of parental unfitness against Plaintiff; and

(c) Plaintiff would not have suffered the loss of joint custody and resulting severe emotional, reputational, and financial damages.

**COUNT II: CIVIL CONSPIRACY**

33. March 19, 2024, during the first day of the custody trial, Mr. Childs conspired with opposing counsel Mr. Grimes to misrepresent facts to the court.

34. This conspiracy included false claims about Plaintiff instructing Mr. Childs to contact Airbnb locations.

35. Mr. Childs further conspired by falsely testifying under oath regarding his advice against the drop-off of the minor child.

36. This testimony contradicted his explicit prior written communications to Plaintiff.

37. Mr. Grimes furthered this conspiracy through improper testimony he tried to illicit from Mr. Childs.

38. Further, Mr. Grimes knew there was an existing stipulation in place regarding the conditions required for international travel with the minor child.

39. Despite this knowledge, and despite being aware that his own client had failed to fulfill those stipulated conditions, Mr. Grimes intentionally posed questions during cross-examination as if no such stipulation existed.

40. This was done with the express purpose of misleading the court and creating the false impression that Plaintiff had acted unreasonably or unlawfully.

41. Additionally, In December of 2021, Mr. Grimes engaged in improper ex-parte communications with Judge Mary Perry, conspiring to improperly influence judicial decisions and deprive Plaintiff of her due process rights.

42. Furthermore, during the trial on March 19 and October 15, 2024, Mr. Grimes improperly attempted to enforce criminal statutes in family court proceedings to harm Plaintiff's custody rights.

43. Mr. Grimes' improper introduction of criminal allegations was intended to prejudice the family court against Plaintiff.

44. Mr. Grimes knew or should have known such criminal allegations were improper in family court and acted maliciously or with reckless disregard for Plaintiff's rights.

45. Mr. Childs, by providing false testimony under oath, contributed to or facilitated Mr. Grimes' improper influence on judicial proceedings, resulting in substantial harm to Plaintiff.

46. On March 19, 2024, Mr. Childs and Mr. Grimes acted in concert, knowingly or recklessly, to harm Plaintiff's custody position.

47. For the last 5 years, Mr. Grimes has demonstrated hostility and improper conduct toward Plaintiff, motivating the conspiracy alleged herein.

48. Mr. Grimes' prior interactions and conduct toward Plaintiff demonstrate sufficient motive and intent to conspire with Defendant Childs, thereby furthering the wrongful conduct alleged herein.

49. Plaintiff suffered substantial damage, including loss of joint custody and emotional distress, as a direct result of this conspiracy.

**COUNT III: BREACH OF FIDUCIARY DUTY**

50. From December 2021 to June 2023, Mr. Childs, as Plaintiff's attorney, owed Plaintiff fiduciary duties of loyalty, candor, and good faith.

51. Mr. Childs breached these duties by providing false testimony under oath, misleading the court, and contradicting the explicit legal advice previously provided to Plaintiff.

52. Mr. Childs breach directly caused Plaintiff significant harm, including loss of custody rights, emotional distress, and financial damages.

**COUNT IV: FRAUD/INTENTIONAL MISREPRESENTATION**

53. On March 19, 2024, Mr. Childs intentionally made false statements under oath with the explicit purpose of causing the Court to rely on these false statements.

54. The court justifiably relied on Mr. Childs' false representations, resulting in an adverse custody determination.

55. Additionally, in December 2021, Mr. Grimes engaged in improper ex-parte communications with the judge presiding over the custody matter, intentionally omitting disclosure of these communications to Plaintiff.

56. Mr. Grimes' omission of this critical information, combined with his improper influence upon the prior court through secret ex-parte communications, constitutes intentional misrepresentation by omission.

57. The bias resulting from these improper ex-parte communications in the prior court carried over and adversely influenced proceedings in the current court.

58. Specifically, the current court relied upon Mr. Grimes' misrepresentations when making its adverse custody determination against Plaintiff following trial dates on March 19 and October 15, 2024.

59. Moreover, March 19 and October 15, 2024, Mr. Grimes intentionally misrepresented facts before the court by framing cross-examination questions that ignored the existence of a known stipulation regarding the minor child's international travel.

60. This, despite Mr. Grimes' clear knowledge that his own client had not complied with said stipulation.

61. Plaintiff suffered significant damages as a direct result of the Defendant's intentional falsehoods, including loss of custody, emotional distress, reputational harm, and financial losses.

**COUNT V: CONCERT OF ACTION**

62. Plaintiff incorporates and realleges the preceding paragraphs as if fully set forth herein.

63. Plaintiff asserts the claim of concert of action in the alternative to her claim for civil conspiracy.

64. On March 19, 2024, Mr. Childs and Mr. Grimes engaged in parallel and complementary wrongful acts;

(a) specifically involving Childs providing false testimony under oath;

(b) and Grimes knowingly eliciting or utilizing that testimony during cross-examination.

65. Mr. Childs' false testimony, explicitly contradicting his prior written legal advice, was knowingly leveraged by Mr. Grimes to mislead the court, thereby harming Plaintiff's custody rights and interests.

66. Mr. Childs and Mr. Grimes acted with knowledge or reckless disregard that their coordinated wrongful acts would substantially harm Plaintiff.

67. Mr. Childs and Mr. Grimes knowingly engaged in parallel wrongful conduct, as alleged herein, causing substantial harm to Plaintiff.

68. Mr. Grimes' ex parte contacts improperly influenced judicial rulings, complementing Defendant Childs' false statements.

69. Mr. Grimes and Mr. Childs acted in concert or in parallel wrongful actions with reckless disregard for the resulting harm to Plaintiff, who suffered significant emotional distress, reputational damage, and the loss of joint custody.

70. Plaintiff sustained significant harm as a direct result of Mr. Childs and Mr. Grimes' wrongful acts in concert, including loss of custody, emotional distress, reputational harm, and financial losses.

71. Mr. Childs and Mr. Grimes are therefore liable for damages under the doctrine of concert of action.

## ALLEGATIONS SUPPORTING PUNITIVE DAMAGES

72. Mr. Childs' conduct involved intentional and deliberate false testimony given under oath, thereby causing severe harm to Plaintiff's parental rights and personal reputation.
73. Mr. Childs acted maliciously, fraudulently, or with reckless disregard for Plaintiff's rights, knowing the harm that would likely result from false and contradictory testimony.
74. Mr. Childs' breach of fiduciary duty and intentional misrepresentations were egregious, demonstrating conscious disregard for Plaintiff's rights and wellbeing.
75. Mr. Grimes' improper ex-parte communications with the presiding judge constitute willful and malicious misconduct, intentionally undermining Plaintiff's due process rights.
76. Mr. Grimes engaged in these communications with fraudulent intent or reckless disregard for Plaintiff's custody rights and emotional well-being.
77. Mr. Grimes improperly invoked criminal statutes in a family court proceeding, intentionally misusing his position as an attorney to penalize Plaintiff.
78. Such egregious conduct justifies punitive damages pursuant to NRS 42.005, to punish Mr. Grimes and Mr. Childs and deter future misconduct of this nature.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests:

1.General damages exceeding $100,000;

2. Special damages as proven at trial;

3. Punitive damages pursuant to NRS 42.005;

4. Prejudgment interest pursuant to NRS 17.130;

5. Costs of suit; and

6. Any further relief deemed just and proper by this Court.

DATED this 10th day of July 2025.

/s/ Luba Dace

LUBA DACE, Pro Per

**VERIFICATION**

STATE OF NEVADA

COUNTY OF CLARK

I, Luba Dace, declare under penalty of perjury pursuant to the laws of the State of Nevada that:

I am the Plaintiff in the foregoing action. I have read the foregoing **COMPLAINT FOR LEGAL MALPRACTICE, CIVIL CONSPIRACY, BREACH OF FIDUCIARY DUTY, FRAUD/INTENTIONAL MISREPRESENTATION, CONCERT OF ACTION**, and I know the contents thereof. The allegations contained in the pleading are true and correct of my own knowledge, except for matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 10th day of July 2025, in Clark County, Nevada.

/s/Luba Dace

Luba Dace

Plaintiff, Pro Per