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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, Plaintiff, v. MELVIN GRIMES, BENJAMIN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS, MARY PERRY, Defendants.	Case No.: A-25-922833-C Dept. No.: 21 **THIRD AMENDED COMPLAINT FOR LEGAL MALPRACTICE, BREACH OF FIDUCIARY DUTY, FRAUD/INTENTIONAL MISREPRESENTATION, CONCERT OF ACTION, VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983, JUDICIAL MISCONDUCT, ABUSE OF AUTHORITY, AND TWO COUNTS OF CIVIL CONSPIRACY**

Third amended complaint adds Defendant Judge Mary Perry.

Plaintiff LUBA DACE alleges as follows:

1. This Court has jurisdiction over this action pursuant to Article 6, Section 6 of the Nevada Constitution.

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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.
3. Plaintiff LUBA DACE resides in Clark County, Nevada.
4. Defendant JUDGE MARY PERRY was at all relevant times a duly appointed judge serving in Department P of the Eighth Judicial District Court, Clark County, Nevada.
5. Defendant BENJAMIN B. CHILDS is a licensed attorney in Nevada practicing in Clark County.
6. 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.
7. 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.
8. 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]
9. December 2021, Mr. Childs filed a Notice of Appearance to represent Plaintiff in Gonzalez v. Gonzalez, Case No. D-575860-D.
10. Mr. Child's represented Plaintiff from approximately December 2021 to June 2023.
11. 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.
12. Relying on Mr. Childs' advice, Plaintiff withheld the child from international travel.

13. Subsequently, during the March 19, 2024, custody hearing, Mr. Childs provided false testimony under oath, misleading the court regarding prior legal advice given to Plaintiff.
14. Mr. Childs' testimony directly contradicted prior written instructions he gave Plaintiff, misleading the court into believing Plaintiff acted unlawfully and independently.
15. During cross-examination, Mr. Grimes questioned Mr. Childs regarding Plaintiff's alleged authorization of communications to Airbnb without specifying a date or providing any evidentiary foundation.
16. Mr. Childs falsely affirmed this allegation under oath.
17. Despite the absence of any date or corroborating evidence, the court erroneously relied on this unsupported and misleading testimony in issuing its order, thereby prejudicing Plaintiff's rights.
18. Plaintiff never authorized any communication to Air BnB.
19. Mr. Childs never sent any letters to Air BnB.
20. The court relied on Mr. Childs' false testimony and admissions in its custody determination.
21. The court's reliance on Mr. Childs false testimony resulted in Plaintiff losing joint custody and suffering substantial harm.
22. 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.
23. Judge Perry knowingly and intentionally participated in these unauthorized communications, despite her ethical and judicial obligations to remain impartial and ensure Plaintiff's due process rights.

24. Mr. Grimes intentionally excluded Plaintiff from those communications thereby depriving her of her right to due process.
25. Judge Perry failed to disclose these ex-parte communications to Plaintiff, actively concealing the existence of such interactions.
26. The unauthorized ex-parte communications directly influenced judicial decisions adversely affecting Plaintiff's custody rights and constituted significant judicial misconduct.
27. This improper communication directly and negatively impacted the court's decision-making process, resulting in severe harm to Plaintiff's custody rights.
28. Judge Perry was trying to get her friend, Mr. Grimes paid from proceeds of the sale of the property at [redacted]
29. That is why Judge Perry deprived me of my right to contract by ignoring a legally valid quitclaim deed signing that property over to me signed by my ex-husband.
30. That's the reason they tried to hold me in contempt for filing bankruptcy.[1]
31. May 12, 2022, Plaintiff moved to disqualify Judge Perry due to her improper conduct.
32. May 18, 2022, Judge Perry subsequently voluntarily recused herself from Plaintiff's case, acknowledging by implication the impropriety of her conduct.
33. Furthermore, July 18, 2024, Judge Perry consented to public censure specifically addressing her inappropriate actions in Plaintiff's case, conclusively establishing judicial wrongdoing.

[1] The violation of the automatic stay was previously litigated in *Re Luba Snow* 21-15676-NMC and is referenced here not as a request for relief regarding matters already adjudicated, but as a as a distinct claim that has not previously been adjudicated arising from the same underlying events. Plaintiff only became aware of the full extent of the ex-parte communications between Judge Perry and Defendant Melvin Grimes on or around July 18, 2024, which may bear upon statute-of-limitations considerations.

34. Judge Perry's misconduct directly caused Plaintiff substantial harm by improperly influencing judicial decisions in the custody matter and prejudicing Plaintiff's right to fair and impartial judicial proceedings.
35. During the custody hearings on March 19 and October 15, 2024, Mr. Grimes intentionally misrepresented material facts to the court by denying the validity of a previously approved stipulation.
36. Consequently, modifying obligations at this juncture is premature and risks undermining the current court-approved stipulation pending resolution of the appellate proceedings.
37. Mr. Grimes ignored the stipulation to create a false impression that Plaintiff had acted without justification.
38. During that same trial, Mr. Grimes improperly invoked criminal statutes during family court proceedings, a venue lacking jurisdiction over criminal matters.
39. 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 (ATTORNEY BEN CHILDS)

40. From December 2021 to June 2023, Mr. Childs owed Plaintiff a duty of competent and truthful representation.
41. April 2023, Mr. Childs breached this duty by filing a motion for an order to show cause with no points and authorities.
42. This lack of legal authority rendered the motion unreviewable.
43. 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.

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

45. But for Mr. Childs' bad advice, 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 (ATTORNEYS BEN CHILDS, MELVIN GRIMES)

46. 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.

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

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

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

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

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

52. 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.

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

54. 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.

55. 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.

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

57. 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.

58. 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.

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

60. Since April 2020, Mr. Grimes has demonstrated hostility and improper conduct toward Plaintiff, motivating the conspiracy alleged herein.

61. 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.

62. 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 (ATTORNEY BEN CHILDS)

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

64. March 19, 2024, Mr. Childs breached these duties by providing false testimony under oath, misleading the court, and contradicting the explicit legal advice previously provided to Plaintiff.

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

COUNT IV: FRAUD/INTENTIONAL MISREPRESENTATION (ATTORNEYS BEN CHILDS, MELVIN GRIMES)

66. During trial 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.

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

68. 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.

69. 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.

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

71. 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.

72. 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.

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

74. 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 (ATTORNEYS BEN CHILDS, MELVIN GRIMES)

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

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

77. During trial 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.

78. 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.

79. Mr. Childs and Mr. Grimes acted with knowledge or reckless disregard that their coordinated wrongful acts would substantially harm Plaintiff.
80. Mr. Childs and Mr. Grimes knowingly engaged in parallel wrongful conduct, as alleged herein, causing substantial harm to Plaintiff.
81. Mr. Grimes' ex parte contacts improperly influenced judicial rulings, complementing Defendant Childs' false statements.
82. 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.
83. 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.
84. Mr. Childs and Mr. Grimes are therefore liable for damages under the doctrine of concert of action.

COUNT VI: VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983 (JUDGE MARY PERRY)

85. Plaintiff incorporates and realleges the preceding paragraphs as if fully set forth herein.
86. December 2021, acting under color of state law, Judge Mary Perry intentionally engaged in improper ex-parte communications with Defendant Grimes, deliberately depriving Plaintiff of constitutionally protected rights, including her rights to due process and an impartial tribunal as guaranteed by the Fourteenth Amendment of the United States Constitution.
87. The nature of these communications intended to put Plaintiff in jail for 25 days simply for exercising her constitutional right.

88. Judge Perry's conduct exceeded judicial immunity protections as her actions represented a clear absence of jurisdictional propriety and involved deliberate acts of misconduct outside the scope of legitimate judicial functions.

89. Plaintiff suffered direct and substantial harm, including the loss of joint custody, emotional distress, reputational damage, and financial losses as a proximate result of Judge Perry's unconstitutional acts.

COUNT VII: JUDICIAL MISCONDUCT AND ABUSE OF AUTHORITY (JUDGE MARY PERRY)

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

91. Judge Mary Perry breached her ethical and judicial obligations by knowingly engaging in prohibited ex-parte communications and intentionally concealing these communications from Plaintiff.

92. Judge Perry's conduct demonstrated a conscious disregard for judicial impartiality and directly compromised the fairness of the custody proceedings, constituting an abuse of her judicial authority.

93. Plaintiff suffered significant and tangible harm, including emotional distress and prejudiced custody determinations, directly resulting from Judge Perry's misconduct and abuse of judicial authority.

COUNT VIII: CIVIL CONSPIRACY (JUDGE MARY PERRY AND MELVIN GRIMES - JUDICIAL ORDERS AND COERCIVE THREATS)

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

95. From on or around June 2020 to May of 2022 Defendant Judge Mary Perry, while presiding over Plaintiff's custody case, knowingly and intentionally conspired with

Defendant Melvin Grimes by issuing orders specifically intended to violate Plaintiff's civil rights and improperly influence custody outcomes.

96. Judge Perry, acting under color of judicial authority, issued multiple coercive orders, including but not limited to:

97. (a) Prohibiting Plaintiff from communicating with her minor child in Plaintiff's native language, directly infringing upon Plaintiff's constitutionally protected parental rights, cultural identity, and freedom of speech.

98. (b) Compelling Plaintiff's minor child to attend school where the child's stepmother was employed, creating an inherent conflict of interest, causing substantial emotional distress and lasting harm to Plaintiff and the minor child.

99. (c) Explicitly threatening Plaintiff with the removal of custodial rights and placement of her child with a third party if Plaintiff failed to comply with the coercive, unlawful, and unconstitutional orders.

100. Defendant Grimes actively encouraged, facilitated, and capitalized upon Judge Perry's improper judicial orders and threats to further prejudice Plaintiff's custody position, thereby cooperating in and furthering the conspiracy against Plaintiff.

101. Defendants Judge Perry and Attorney Grimes shared the common unlawful purpose of violating Plaintiff's rights, prejudicing custody decisions, and coercing Plaintiff into compliance through judicial intimidation and threats.

102. As a direct and proximate result of this conspiracy, Plaintiff suffered substantial and severe damages, including loss of joint custody, severe emotional and psychological distress, reputational harm, and financial losses.

COUNT IX: VIOLATION OF CIVIL RIGHTS – INTERFERENCE WITH RIGHT TO CONTRACT (42 U.S.C. § 1983) (JUDGE MARY PERRY)

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

104. Plaintiff possessed a legally valid quitclaim deed executed by her ex-husband, Enrique Gonzalez, transferring full and exclusive ownership rights of the real property located at [redacted] to Plaintiff.

105. Defendant Judge Mary Perry intentionally and improperly interfered with Plaintiff's constitutional right to contract, deliberately ignoring and invalidating Plaintiff's contractual rights established through the executed quitclaim deed.

106. Judge Perry's interference was motivated by an intent to financially benefit Defendant Melvin Grimes by improperly facilitating payment to Mr. Grimes from the proceeds derived from the forced sale of Plaintiff's contractually secured property.

107. Further, Judge Perry's improper actions included coercive judicial measures, including threats of contempt sanctions against Plaintiff for lawfully exercising her right to file bankruptcy, actions clearly beyond the scope of legitimate judicial functions and jurisdiction.

108. Although the forced sale of the property was subsequently appealed and settled, Judge Perry's actions constitute independent violations of Plaintiff's constitutional rights, specifically Plaintiff's right to contract and right to due process as secured by the Fourteenth Amendment to the United States Constitution.

109. The resulting settlement of the appellate matter does not mitigate or eliminate Judge Perry's unconstitutional conduct, nor the separate and distinct damages Plaintiff suffered from Judge Perry's intentional misconduct.

110. Plaintiff suffered substantial and separate damages as a direct result of Judge Perry's unconstitutional interference with her contractual rights, including emotional distress, reputational harm, legal costs, and financial losses distinct from any damages settled in the appellate proceedings.

111. Judge Perry's actions exceeded judicial immunity as they were performed knowingly, intentionally, maliciously, and without jurisdictional authority, justifying recovery under 42 U.S.C. § 1983.

112. Plaintiff seeks relief, including general, special, and punitive damages, attorney's fees, and costs pursuant to applicable federal and state law.

ALLEGATIONS SUPPORTING PUNITIVE DAMAGES

113. Mr. Childs' conduct involved intentional and deliberate false testimony given under oath, thereby causing severe harm to Plaintiff's parental rights and personal reputation.

114. 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.

115. Mr. Childs' breach of fiduciary duty and intentional misrepresentations were egregious, demonstrating conscious disregard for Plaintiff's rights and wellbeing.

116. Mr. Grimes' improper ex-parte communications with the presiding judge constitute willful and malicious misconduct, intentionally undermining Plaintiff's due process rights.

117. Mr. Grimes engaged in these communications with fraudulent intent or reckless disregard for Plaintiff's custody rights and emotional well-being.

118. Mr. Grimes improperly invoked criminal statutes in a family court proceeding, intentionally misusing his position as an attorney to punish Plaintiff.

119. Such egregious conduct justifies punitive damages pursuant to NRS 42.005, to penalize Mr. Grimes and Mr. Childs and deter future misconduct of this nature.

120. Judge Mary Perry's conduct, including intentional and unethical ex-parte communications and deliberate concealment of these communications, constitutes willful, malicious, and egregious misconduct.

121. Judge Perry acted with conscious disregard for Plaintiff's constitutional rights, knowingly causing substantial harm and undermining public confidence in judicial impartiality.

122. Such deliberate misconduct justifies punitive damages pursuant to NRS 42.005 to punish Defendant Perry and deter similar judicial abuses in the future.

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 4th day of August 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 **THIRD AMENDED COMPLAINT FOR LEGAL MALPRACTICE, CIVIL CONSPIRACY, BREACH OF FIDUCIARY DUTY, FRAUD/INTENTIONAL MISREPRESENTATION, CONCERT OF ACTION, VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983, JUDICIAL MISCONDUCT AND ABUSE OF AUTHORITY, CIVIL CONSPIRACY**, 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. Declared under the penalty of perjury under the laws of the State of Nevada.

Executed this 4th day of August 2025, in Clark County, Nevada.

/s/Luba Dace

Luba Dace

Plaintiff, Pro Per