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8/15/2025 10:41 AM
Steven D. Grierson
CLERK OF THE COURT

LUBA DACE
[redacted]
[redacted]
Pro Per

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, Plaintiff, v. MELVIN GRIMES, BEN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS, MARY PERRY Defendants.	Case No.: A-25-922833-C Dept. No.: 21 **PLAINTIFF'S MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT** HEARING NOT REQUESTED

NOTICE OF MOTION

TO: Nonmoving Party

YOU AND EACH OF YOU will take notice that on the_____day of_____, 2____, at the hour of___o'clock __m., of said day, the above motion will be heard in

NOTICE:

YOU ARE REQUIRED TO FILE WITH THE COURT AND SERVE ON THE MOVING PARTY A WRITTEN "OPPOSITION" TO THIS MOTION WITHIN 10 JUDICIAL DAYS. YOUR FAILURE TO FILE AND SERVE A WRITTEN OPPOSITION MAY BE UNDERSTOOD AS AN ADMISSION THAT THE MOTION IS VALID, AND MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED IN THE MOTION AGAINST YOU.

Case Number: A-25-922833-C

Plaintiff Luba Dace, appearing pro per, respectfully moves this Court for an order granting leave to file her Fourth Amended Complaint in the above-captioned matter, attached hereto as Exhibit 1, pursuant to NRCP 15(a)(2).

I. INTRODUCTION

Plaintiff seeks leave to file her Fourth Amended Complaint to clarify allegations, arrange facts chronologically, incorporate newly discovered information, and ensure that all claims are fully and accurately stated. The proposed amendments will not prejudice Defendants, are not sought for purposes of delay, and will serve the interest of justice by allowing this matter to be decided on its merits.

II. LEGAL STANDARD

Under **NRCP 15(a)(2)**, after the one amendment allowed as of right, "a party may amend its pleading only with the opposing party's written consent or the court's leave," and "[t]he court should freely give leave when justice so requires." Nevada courts apply this rule liberally in favor of amendments, consistent with the policy that cases be decided on their merits rather than on technicalities. *Stephens v. Southern Nev. Music Co.*, 89 Nev. 104, 105, 507 P.2d 138 (1973) (leave to amend should be granted "in the absence of any apparent or declared reason" such as undue delay, bad faith, or undue prejudice).

The Nevada Supreme Court has explained that "[t]he policy behind allowing amendments is to have each case decided on its merits, rather than on procedural technicalities." *Adamson v. Bowker*, 85 Nev. 115, 118, 450 P.2d 796 (1969). Denial of leave to amend is

disfavored unless the proposed amendment is futile or offered in bad faith. *City of N. Las Vegas v. 5th & Centennial, LLC*, 130 Nev. 619, 624, 331 P.3d 896 (2014).

III. ARGUMENT

1. **This is Plaintiff's first request for leave beyond the amendment as of right.** Plaintiff filed one amended complaint as a matter of course under NRCP 15(a)(1). Subsequent amendments have been sought to clarify the claims and incorporate new facts obtained through investigation. This Fourth Amended Complaint is necessary to fully present the claims.
2. **The amendments are made in good faith.** The proposed changes add factual detail, arrange events in chronological order, clarify the parties' roles, and better articulate the legal theories. They are not made for delay or harassment.
3. **There is no undue prejudice to Defendants.** No trial date has been set, and allowing amendment at this stage will not deprive Defendants of any opportunity to respond or conduct discovery.
4. **The amendments will aid in resolution on the merits.** The changes ensure that the operative complaint reflects all relevant facts and claims, consistent with Nevada's strong policy favoring determination on the merits. *Haley v. Eighth Judicial Dist. Court*, 128 Nev. 171, 176, 273 P.3d 855 (2012) (policy favors liberal amendment to secure merits-based decisions).

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant leave to file the Fourth Amended Complaint, attached as Exhibit 1, and deem it the operative pleading in this matter. Plaintiff further requests that the Court deem the Second and Third Amended Complaints, previously filed but not yet ruled upon, as incorporated into and preserved alongside the proposed Fourth Amended Complaint, or in the alternative, that Plaintiff be granted leave to re-file those amendments in conjunction with the Fourth Amended Complaint.

DATED: August 15, 2025

Respectfully submitted,

/s/ Luba Dace

Luba Dace

Pro Per

[redacted]

VERIFICATION

STATE OF NEVADA; COUNTY OF CLARK

I, LUBA DACE, being first duly sworn, declare under penalty of perjury under the laws of the State of Nevada that I am the Plaintiff in the above-entitled matter, that I have read the foregoing PLAINTIFF'S MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT, and that the statements and allegations contained therein are true and correct to the best of my knowledge and belief.

Executed on this 15th day of August 2025.

/s/Luba Dace

LUBA DACE, Plaintiff, Pro Per

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on the 15th day of August 2025, I served a true and correct copy of the PLAINTIFF'S MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT by e-service and by placing the same in the U.S. Mail, postage prepaid, addressed as follows:

Melvin Grimes
1888 Fairfield Terr
[redacted]

Dated this 15th day of August 2025.

/s/Luba Dace

LUBA DACE, Plaintiff, Pro Per

EXHIBIT 1

LUBA DACE
[redacted]
Pro Per

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 **FOURTH AMENDED COMPLAINT FOR: (1) PROFESSIONAL NEGLIGENCE/LEGAL MALPRACTICE (AND BREACH OF FIDUCIARY DUTY); (2) FRAUD/INTENTIONAL MISREPRESENTATION (AGAINST CHILDS); (3) ABUSE OF PROCESS (AGAINST GRIMES); (4) 42 U.S.C. § 1983 – DUE PROCESS (EXTRA-JUDICIAL ACTS) (AGAINST PERRY); (5) 42 U.S.C. § 1983 – DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS (AGAINST PERRY); (6) CIVIL CONSPIRACY (ADMINISTRATIVE/EXTRA-JUDICIAL ACTS – PERRY & GRIMES)**

Fourth amended complaint clarifies the claim against Defendants and arranges facts in chronological order.

Plaintiff **Luba Dace** alleges:

I. JURISDICTION, VENUE, AND JOINDER

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

2. Venue is proper in Clark County under NRS 13.010 because material events occurred here and Defendants reside and/or do business here.

3. **Joinder (NRCP 20(a)).** The claims against all Defendants arise out of the same series of transactions and occurrences—namely, the custody litigation and related proceedings—and present common questions of law and fact, including whether Defendants' acts and omissions unlawfully prejudiced Plaintiff's custody rights and caused an indivisible injury.

4. Keeping the claims together promotes judicial economy and avoids inconsistent results.

5. **Common Factual Nucleus (NRCP 20(a)).** The claims against all Defendants arise from the same series of transactions and occurrences—events in the custody litigation between November 2021 and October 2024—and turn on common issues of law and fact, including: (i) whether extra-judicial administrative conduct and undisclosed communications prejudiced Plaintiff's rights; (ii) whether attorney conduct during representation fell below professional standards and proximately caused the adverse rulings; and (iii) the nature and amount of Plaintiff's indivisible damages.

6. Trying these claims together promotes judicial economy and avoids inconsistent findings.

7. **Non-Protected Conduct.** Plaintiff's claims are based on non-communicative conduct—misuse of legal process and extra-judicial administrative actions—not on protected petitioning speech or in-court testimony.

8. Any references to court statements are pleaded solely as context for non-privileged conduct.

9. **No Claim Based on Testimony.** Plaintiff does not seek to impose liability for testimony or statements made in pleadings or hearings during judicial proceedings.

10. References to such statements are alleged only to show the context and effect of conduct occurring during the attorney–client relationship (Childs) or outside any judicial function (Perry).

11. Damages are sought only for non-privileged, non-immune conduct.

12. **Statutory Clarification (NRS 41.637 / 41.660).** Plaintiff's claims do not arise from protected petitioning communications but from non-communicative conduct, including undisclosed ex parte meetings, off-docket administrative arrangements, and the post-issuance misuse of legal process for collateral purposes.

13. Any references to filings or hearing statements are alleged solely as context for non-privileged acts.

14. **Lack of "Good-Faith" Communications.** To the extent any communication by Mr. Grimes is implicated, Plaintiff alleges it was not "good-faith" within the meaning of NRS 41.637(1) because it was made with knowledge of falsity or reckless disregard for the truth and in furtherance of collateral objectives unrelated to adjudication.

15. **Litigation Privilege Not Invoked.** Plaintiff does not seek liability for advocacy or statements made in the ordinary course of litigation.

16. The gravamen is **non-communicative conduct** and the **misuse of issued process** for collateral aims, which are not privileged.

17. **Evidence Timing.** Plaintiff will support these allegations with admissible evidence at the appropriate stage, including in response to any special motion under NRS 41.660.

II. PARTIES

18. Plaintiff **Luba Dace** resides in Clark County, Nevada.

19. Defendant **Benjamin B. Childs** is a Nevada attorney; Defendant **Law Office of Benjamin B. Childs** is his law practice.

20. Defendant **Melvin Grimes** is a Nevada attorney who represented Plaintiff's ex-husband, Enrique Gonzalez.

21. Defendant **Judge Mary Perry** was at relevant times a judge of the Eighth Judicial District Court.

III. GENERAL ALLEGATIONS

A. Custody litigation background; school placement and related events

22. On November 18, 2021, following a request by Mr. Grimes, Judge Perry ordered the child's placement at [redacted] School, where the stepmother works, an arrangement that caused distress and posed conflicts.

B. Childs's representation (Dec 2021–June 2023) and advice

23. Mr. Childs appeared for Plaintiff on or about December 21, 2021.

24. In March 2023, Mr. Childs advised Plaintiff not to permit international travel to Mexico unless agreed conditions (including round-trip CBX tickets) were satisfied.

25. Relying on this advice, Plaintiff withheld travel.

26. In April 2023, Mr. Childs filed an order-to-show-cause motion without supporting points and authorities, undermining Plaintiff's position.

27. The attorney–client relationship ended in June 2023.

28. Thereafter, information learned during representation was later used in a manner adverse to Plaintiff's interests during proceedings on March 19, 2024, contributing to adverse rulings.

29. Plaintiff does not sue for perjury; rather, she alleges post-representation misuse of information obtained during representation and consequent prejudice.

C. Ex parte communications, recusal, and public censure (Perry)

30. On or about December 16, 2021, Judge Perry engaged in undisclosed ex parte communications with Mr. Grimes while Plaintiff's matter was pending.

31. March 4, 2022, Melvin Grimes testifies under oath *In Re: Luba Snow* 21-15676-NMC that Department P sent him a message directing him to file an OSC in Plaintiff's family court case and leave the line for attorney's fees blank.

32. On or around May 12, 2022, Plaintiff moved to disqualify based on Judge Perry's bias rulings.

33. May 18, 2022, Judge Perry recused herself.

34. On July 18, 2024, the Nevada Commission on Judicial Discipline issued a public censure relating to Judge Perry's handling of Plaintiff's case.

35. It was not until July 2024 that Plaintiff understood that Mr. Grimes and Judge Perry had ex-parte communications in December 2021.

D. Grimes's alleged misuse of process

36. On December 17, 2021, Mr. Grimes sought to hold Plaintiff in contempt and to jail her for 25 days in connection with her lawful bankruptcy filing.

37. On March 19, 2024, and again on October 15, 2024, Mr. Grimes attempted to invoke criminal statutes within a civil custody proceeding and otherwise leveraged procedural mechanisms in a manner intended to punish and prejudice Plaintiff's custody position.

E. Damages

38. As a proximate result of Defendants' conduct, Plaintiff suffered adverse custody rulings, litigation expense, reputational and emotional harm, and other damages to be proven at trial, including, where applicable, fees and costs incurred to mitigate or correct the harm.

39. **Accrual and Tolling** To the extent any statute of limitations is asserted, Plaintiff alleges that claims arising from litigation conduct were tolled until the underlying custody matter concluded on January 2, 2025, and that Plaintiff discovered the injury and its cause on or after January 6, 2025, despite reasonable diligence.

40. **Exhibits** Plaintiff will present supporting documents, transcripts, and orders in connection with motion practice as appropriate. This pleading proceeds under NRCP 8's notice-pleading standard.

IV. CAUSES OF ACTION

COUNT 1 – PROFESSIONAL NEGLIGENCE / LEGAL MALPRACTICE (AND BREACH OF FIDUCIARY DUTY)

(Against Benjamin B. Childs and Law Office of Benjamin B. Childs)

41. Plaintiff realleges paragraphs 1–41 as though fully set forth.

42. From December 2021 to June 2023, Mr. Childs owed Plaintiff duties of competence, diligence, loyalty, candor, and communication consistent with Nevada law and professional standards.

43. **Breach – advice and filings** In March 2023, Mr. Childs advised Plaintiff not to permit international travel unless specified conditions were satisfied, and in April 2023 filed an order-to-show-cause motion without supporting points and authorities, undermining Plaintiff's position.

44. These acts/omissions fell below the applicable standard of care and breached fiduciary duties.

45. **Post-representation misuse of information (NRPC 1.9(c))** After June 2023, Mr. Childs was obligated not to use or reveal information relating to the prior representation to Plaintiff's disadvantage.

46. Plaintiff alleges that on March 19, 2024, Mr. Childs's statements drew upon confidential information and were used in a manner adverse to Plaintiff's interests, contributing to adverse rulings.

47. These allegations are pled as misuse of information, not as perjury claims.

48. **Clarification as to Testimony** Plaintiff does not seek damages for any courtroom statements made by Mr. Childs after June 2023; the actionable conduct is limited to advice and filings during representation and to post-representation misuse of confidential information acquired during representation in violation of NRPC 1.9(c).

49. **Limited Waiver Clarification** Plaintiff's consent to questioning, and any related court direction, was limited to truthful testimony on a specific subject.

50. Such consent did not authorize Mr. Childs to provide testimony outside that subject or to offer self-serving statements unsupported by admissible evidence.

51. Any broader disclosure exceeded the scope of the limited waiver permitted under Nevada law, which confines any waiver to the narrow subject placed at issue.

52. The allegations against Mr. Childs exclude any disclosures reasonably necessary to comply with a specific court order or to respond to a narrow inquiry.

53. They concern information outside any waiver, used beyond what was reasonably necessary, and not "generally known" within the meaning of NRPC 1.9(c).

54. The misuse arose from Mr. Childs giving false testimony, which the court accepted as true in context, causing Plaintiff harm even though the statement itself was false.

55. **Causation and damages** But for the breaches: (a) Plaintiff would not have been deemed to have unlawfully withheld the child; (b) no presumption of parental unfitness would have been applied; and (c) Plaintiff would not have lost joint custody and incurred related harms.

56. Plaintiff suffered economic and non-economic damages.

57. **But-For Causation (April 2023 Filing)** But for Mr. Childs's failure to support the April 2023 order to show cause motion with points and authorities, the court would have reached and granted the requested relief—namely, ordering the child's placement at a neutral school and issuing travel-related orders—both directly pertinent to the issues before the court.

58. Plaintiff thereby suffered legal injury, as the mishandling prevented such relief from being obtained, which in turn would have avoided a later "withholding" finding and the resulting adverse custody consequences.

59. **But-For Causation (March 2023 Advice).** Had Mr. Childs provided competent, accurate advice in March 2023 concerning the governing orders/stipulations and travel conditions, Plaintiff would have taken lawful steps consistent with that guidance; opposing counsel would not have obtained an adverse "abducting" finding; and the custody outcome would have been materially better.

60. **Case-Within-a-Case Allegation** Plaintiff alleges that, absent the breaches, the court likely would not have entered the order stating Plaintiff acted unilaterally on March 15, 2023, or, at minimum, would not have found that there was clear and convincing evidence of a single act of unlawful detaining, in violation of NRS 125(c)(7) specifically willful detaining of the minor child on March 15, 2023.

61. These allegations will be supported by the transcripts and orders produced in discovery.

62. The Law Office of Benjamin B. Childs is vicariously liable for acts/omissions committed in the scope of practice.

COUNT 2 – FRAUD / INTENTIONAL MISREPRESENTATION

(Against Benjamin B. Childs)

63. Plaintiff realleges paragraphs 1–62 as though fully set forth.

64. On or about March 15, 2023, via email communication to Plaintiff, Mr. Childs stated in substance that Plaintiff must not permit the minor child's international travel to Mexico

unless specified conditions—including provision of round-trip CBX tickets—were satisfied.

65. At the time he made this statement, Mr. Childs knew, or recklessly disregarded, that the advice was violative of the court's orders.

66. This advice was memorialized in many text messages and emails to both Plaintiff and Mr. Grimes from Mr. Childs around March 15, 2023.

67. **Falsity and Knowledge** When he made the March 15, 2023 statements, Mr. Childs knew, or recklessly disregarded, that his advice was in violation of the court's orders then in effect.

68. His written and oral instructions to Plaintiff—including the March 15, 2023 email and contemporaneous text messages—directed her to withhold travel unless those extra conditions were met, thereby placing her at risk of an adverse "withholding" finding.

69. On March 19, 2024, during a custody proceeding, Mr. Childs denied under oath that he had ever advised Plaintiff to withhold the child.

70. This testimony is cited solely to demonstrate the inconsistency between his courtroom statements and his prior instructions to Plaintiff, and to show his knowledge of the violation and his intent to conceal his professional breach.

71. Plaintiff does not seek damages for the testimony itself, but for the harm caused by the violative advice given during the attorney–client relationship.

72. **Pleaded in the Alternative** In the alternative, if scienter is not proven, Mr. Childs made the foregoing statements without reasonable grounds for believing them to be true, and Plaintiff reasonably relied to her detriment (negligent misrepresentation).

73. Mr. Childs sent the messages with the intent that Plaintiff rely on it in deciding whether to permit travel.

74. Plaintiff reasonably relied by withholding travel. Opposing counsel then sought adverse relief premised on that withholding, resulting in an adverse finding and contributing to the loss of joint custody and other damages.

75. As a direct and proximate result of the foregoing misrepresentation, Plaintiff suffered economic and non-economic damages.

COUNT 3 – ABUSE OF PROCESS

(Against Melvin Grimes)

76. Plaintiff realleges paragraphs 1–75 as though fully set forth.

77. Mr. Grimes willfully used legal process for an ulterior purpose not proper in the regular conduct of proceedings.

78. **Process Identified.** The "process" includes, without limitation, the December 17, 2021, contempt application seeking Plaintiff's incarceration, and later efforts to inject criminal statutes into civil custody proceedings, undertaken to coerce and punish rather than to adjudicate legitimate custody issues and issuing subpoenas to public school employees causing them to violate school's policy by taking sides in a custody dispute.

79. **Issued Process Identified.** The "process" includes, without limitation: (i) the December 17, 2021, order to show cause re: contempt and related minute orders in *Gonzalez v. Velazquez-Gonzalez* Case No. D-18-575860-D; (ii) subpoenas or notices issued at Mr. Grimes's request to Ms. Muth and Ms. Thorton in March 2023 and (iii) written and

verbal invocations of criminal statutes within the civil custody matter on March 19, 2024 and October 15, 2024.

80. **Collateral Objective.** Mr. Grimes pursued and used the foregoing process to achieve objectives collateral to the adjudication of custody, including coercing Plaintiff to relinquish property rights to [redacted] procuring testimony from teachers at a school where the child's stepmother was employed for use in custody proceedings; alleging violations of criminal statutes within a civil proceeding; and obtaining concessions unrelated to the case under threat of incarceration or criminal prosecution.

81. **Post Issuance Misuse**. After the process issued, Mr. Grimes willfully leveraged it in ways not proper in the regular conduct of proceedings, including by:

(a) threatening incarceration on the issued contempt OSC to compel [the above concessions];

(b) using issued subpoenas to pressure nonparties, including school personnel, to take administrative actions—unrelated to their official work duties and in violation of school policy by taking sides in a custody dispute—in connection with a noticed hearing; and

(c) coupling the issued process with extra-judicial demands to obtain relief that could not be secured through legitimate adjudication.

82. **Resulting Harm.** Mr. Grimes's post-issuance misuse directly caused Plaintiff to incur fees, suffer adverse custody consequences, and sustain other damages as set forth herein.

83. **Alternative Pleading.** Even if any single act is deemed an ordinary filing, the **totality** of Mr. Grimes's conduct—coordinated extra-judicial administration, coupled with threats and the deployment of **issued** process to obtain concessions unrelated to adjudication—constitutes an improper use of process not authorized by law.

84. On December 17, 2021, Mr. Grimes pursued contempt process seeking Plaintiff's 25-day incarceration as retaliation for her lawful bankruptcy filing—an ulterior purpose unrelated to legitimate custody adjudication.

85. On March 19, 2024 and October 15, 2024, Mr. Grimes attempted to invoke criminal statutes within civil custody proceedings to punish and prejudice Plaintiff rather than for any proper adjudicative purpose.

86. These willful acts were an improper use of process and proximately caused Plaintiff damages.

COUNT 4 – 42 U.S.C. § 1983: DUE PROCESS (EXTRA-JUDICIAL ACTS)

(Against Judge Mary Perry)

87. Plaintiff realleges paragraphs 1–86 as though fully set forth.

88. December 2021, while acting under color of state law but outside any legitimate judicial function, Judge Perry engaged in undisclosed ex parte communications by sending a message to Mr. Grimes instructing him to prepare and file an order to show cause and to "leave the line for attorney's fee blank."

89. This directive was given outside any noticed hearing or pending motion, was not the product of a ruling or adjudication, and was communicated off-record through informal channels, bypassing the clerk's office and normal filing procedures.

90. This administrative arrangement was intended to initiate process against Plaintiff without lawful notice or an opportunity to respond, and therefore was not a judicial act.

91. This deprived Plaintiff of due process and an impartial tribunal.

92. Because these communications and administrative acts were undisclosed, Plaintiff lacked notice and any opportunity to respond, and the tribunal's impartiality was compromised, resulting in constitutional injury.

93. **Non-Judicial Nature.** The ex parte communications and administrative arrangements alleged herein occurred outside any noticed motion or evidentiary hearing, concerned off-record logistics rather than adjudication, and were therefore administrative or personal actions not protected by judicial immunity.

94. Judge Perry's extra-judicial actions fall outside judicial immunity. Plaintiff suffered damages proximately caused by these due-process violations.

COUNT 5 – 42 U.S.C. § 1983: DEPRIVATION OF PROPERTY (QUITCLAIM DEED) WITHOUT DUE PROCESS

(Against Judge Mary Perry)

95. Plaintiff realleges paragraphs 1–94 as though fully set forth.

96. Plaintiff possessed a protected property interest under Nevada law in an executed quitclaim deed for [redacted] Las Vegas, Nevada.

97. **Protected Interest.** The quitclaim deed vested Plaintiff with a cognizable property interest under Nevada law, including the right to possess, control, and convey the property identified therein.

98. Acting under color of law but outside any legitimate judicial function, Judge Perry directed and/or facilitated off-docket administrative actions—including undisclosed ex parte communications and directives to Attorney Mr. Grimes—that interfered with and ultimately deprived Plaintiff of her quitclaim property interest.

99. These actions were independent of, and in addition to, any remarks made during a courtroom proceeding.

100. These administrative measures included instructions to Mr. Grimes, without notice to Plaintiff or docketing in the case file. Such acts were not the product of any ruling or adjudication, bypassed normal court filing and service procedures, and were undertaken outside the presence of the parties or the clerk's office.

101. In the course of proceedings concerning the quitclaim deed, Judge Perry made statements and engaged in conduct indicating a predetermined intent to disregard the deed's legal effect under NRS 111.205, despite its validity and the absence of any contrary conveyance.

102. This predetermined course of action resulted in the court declining to apply controlling Nevada property law, thereby depriving Plaintiff of adjudication by a neutral decision-maker and causing the loss of vested property rights.

103. Plaintiff preserves these allegations for purposes of appellate and writ review and does not seek personal monetary damages against the presiding judge.

104. **Process Deprivation** The deprivation was implemented through administrative measures outside the normal adjudicative process.

105. **Alternative Allegation** To the extent any remarks occurred during a hearing, they did not provide fair notice that the property interest would be adjudicated at that time, and the deprivation was carried out through subsequent administrative steps rather than through a valid judgment.

106. As a direct and proximate result, Plaintiff suffered property loss and other damages. These extra-judicial actions fall outside the protections of judicial immunity.

COUNT 6 – CIVIL CONSPIRACY (ADMINISTRATIVE / EXTRA-JUDICIAL ACTS)

(Against Judge Mary Perry and Melvin Grimes)

107. Plaintiff realleges paragraphs 1–106 as though fully set forth.

108. Judge Perry and Mr. Grimes agreed, expressly or implicitly, to engage in administrative and extra-judicial acts—including undisclosed ex parte communications and off-record coordination—to disadvantage Plaintiff outside legitimate judicial channels.

109. **Agreement Particulars** On December 16, 2021, during Plaintiff's pending matter and outside any noticed hearing, Judge Perry and Mr. Grimes engaged in undisclosed ex parte communications regarding filing an order to show cause and leaving the line for attorney's fees blank.

110. This was in response to me filing bankruptcy.

111. The timing and content of subsequent administrative actions, including the filing of the OSC corroborate a meeting of the minds to pursue non-adjudicative measures adverse to Plaintiff.

112. **Non-Judicial, Administrative Overt Acts** In furtherance of the agreement, Judge Perry engaged in undisclosed ex parte communications with Attorney Grimes while Plaintiff's matter was pending, including giving off-record instructions about the preparation, content, and filing of orders in a manner intended to advance the agreed objectives.

113. These directives were issued outside any noticed hearing and without disclosure to Plaintiff, depriving her of the opportunity to respond.

114. **Resulting Harm** The ex parte directives advanced the conspiracy's objectives of prejudicing Plaintiff's custody position and undermining her property rights, and were carried out through non-judicial, extrajudicial actions that circumvented the adversarial process.

115. As a direct and proximate result of these overt acts, Plaintiff suffered custody-related harm, property loss, and other damages.

116. **Post-Issuance Overt Acts** In addition, after process issued, Mr. Grimes leveraged the **issued** process to obtain concessions unrelated to adjudication, coordinating with Judge Perry's administrative actions to pressure Plaintiff to sell her home so Mr. Grimes could get paid from the proceeds.

117. In furtherance of this agreement, Judge Perry engaged in undisclosed ex parte communications and facilitated administrative arrangements adverse to Plaintiff, and Mr. Grimes knowingly participated and leveraged those arrangements to Plaintiff's detriment.

118. The July 2024 Nevada Commission on Judicial Discipline's public censure of Judge Perry corroborates the occurrence and impropriety of the extra-judicial conduct.

119. The unlawful objective and means alleged herein include the due-process deprivations pleaded in Counts 4–5, and this conspiracy claim is derivative of those underlying constitutional violations.

120. **Underlying Violations Incorporated** The conspiracy claim is pleaded in support of, and derives from, the non-immune constitutional violations alleged in Counts 4 and 5.

121. **Underlying Wrongs (State & Federal)** As to Mr. Grimes, the conspiracy is additionally tethered to the independent tort of **Abuse of Process** alleged in Count 3.

122. Defendants are jointly and severally liable for damages proximately caused by acts in furtherance of the conspiracy.

123. As a direct and proximate result, Plaintiff suffered damages.

DAMAGES CLARIFICATIONS

124. **Single Satisfaction** Plaintiff seeks a single satisfaction of overlapping economic losses; to the extent multiple counts cover the same injury, recovery will not be duplicated.

125. **Punitive Damages** Punitive damages are sought only where authorized by law, including for intentional torts and constitutional violations proven by the requisite standard.

126. As to professional negligence, punitive damages are sought only to the extent permitted upon proof of oppression, fraud, or malice.

127. **Costs and Economic Damages** Plaintiff seeks recovery of taxable costs as permitted by law, including under Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920 (or applicable state analogs), and compensatory damages for all economic losses directly resulting from the violations alleged herein, including but not limited to out-of-pocket expenses, relocation costs, loss of use and enjoyment of property, and other measurable financial harm.

128. Plaintiff reserves the right to seek sanctions, fee-shifting, or other monetary relief where authorized by statute, rule, or court order.

129. **No Damages for Speech.** Plaintiff seeks no damages for the content of filings, arguments, or testimony; damages are sought for **non-communicative conduct** and the improper **use of issued process** for collateral purposes.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests:

A. General and special damages in an amount exceeding 100,000 to be proven at trial;

B. Punitive damages where authorized by law (including NRS 42.005 for applicable state-law claims);

C. On federal claims, reasonable attorney's fees if represented by counsel under 42 U.S.C. § 1988;

D. Pre- and post-judgment interest as allowed;

E. Such other relief as the Court deems just and proper; and

F**.** Declaratory relief that the procedures used to deprive Plaintiff of her property interest violated due process, and injunctive relief to the extent permitted by 42 U.S.C. § 1983 where declaratory relief is unavailable.

August 15, 2025

Respectfully submitted,

/s/*Luba Dace*

Luba Dace, Plaintiff Pro Per

VERIFICATION

I, Luba Dace, declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct. Executed on August 15, 2025, in Clark County, Nevada.

/s/*Luba Dace*

Luba Dace, Plaintiff Pro Per