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LUBA DACE
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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 **PLAINTIFF'S MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES** 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

Case Number: A-25-922833-C

MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED IN THE MOTION AGAINST YOU.

COMES NOW, Plaintiff **LUBA DACE**, in proper person, and hereby moves this Honorable Court, pursuant to **NRCP 26(c)** and **NRCP 30(a)(2)(A)(iii)**, for an Order permitting the expedited deposition of Defendant **MELVIN GRIMES** in order to preserve his testimony.

I. INTRODUCTION AND GOOD CAUSE

On information and belief, Defendant **Melvin Grimes** is in **critical medical condition** and may not survive to trial. His testimony is essential to Plaintiff's claims, and unless deposition is taken promptly, Plaintiff risks the permanent loss of material evidence.

Nevada law vests trial courts with **broad discretion to manage discovery** and to allow depositions in exigent circumstances. *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 222, 228, 276 P.3d 246 (2012) (trial courts have "wide discretion in controlling discovery"). That discretion includes permitting preservation depositions where delay would cause injustice.

Courts have consistently held that expedited depositions are proper where a witness's health makes future testimony uncertain. *In re Air Crash Disaster at Stapleton Int'l Airport*, 720 F. Supp. 1505, 1520 (D. Colo. 1989) (expedited deposition allowed to preserve testimony of seriously ill witness). Nevada courts likewise recognize the principle that testimony should be preserved if there is a substantial risk of it being lost. *Maheu v. Eighth Judicial Dist. Court*, 89 Nev. 214, 217, 510 P.2d 627 (1973).

II. LEGAL STANDARD

- **NRCP 30(a)(2)(A)(iii):** A party must obtain leave of court to take a deposition "before the time specified in Rule 26(d)." Leave shall be granted to the extent consistent with NRCP 26(b) and (c).
- **NRCP 26(c):** Authorizes the Court to issue protective and scheduling orders "for good cause shown" to prevent loss of testimony or undue prejudice.
- Nevada authority recognizes that preservation depositions are consistent with the liberal spirit of discovery where the witness's availability is uncertain. *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 621, 173 P.3d 707 (2007) (discovery rules should be construed broadly to permit full and fair disclosure of relevant facts).

III. REQUEST FOR RELIEF

For good cause shown, Plaintiff respectfully requests that the Court order:

1. That Defendant **Melvin Grimes** appear for deposition within **10 days of this Court's Order**, or such earlier date as is medically feasible.
2. That the deposition may be conducted remotely (via Zoom or equivalent platform), or, if necessary, at Mr. Grimes's residence or medical facility with reasonable accommodations.
3. That the deposition be recorded stenographically and by audiovisual means and be admissible at trial under **NRCP 32(a)(4)** (use of depositions when a witness is unavailable).

IV. CONCLUSION

Because Defendant Grimes is in critical condition and delay may result in the permanent loss of testimony, Plaintiff respectfully requests that this Court grant this Motion and permit the expedited deposition to preserve evidence essential to the adjudication of this matter.

DATED this 20th day of August 2025.

Respectfully submitted,

/s/Luba Dace

LUBA DACE, Plaintiff Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August 2025, I served a true and correct copy of the foregoing **PLAINTIFF'S MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES**

by:

X U.S. Mail, postage prepaid, addressed to:

Melvin Grimes 1888 Fairfield Terr Henderson, NV [redacted]

X Electronic service through the Court's e-filing system (Odyssey File & Serve), addressed to:

Ben Childs

☐ Personal delivery:

Dated this 20th day of August 2025.

Respectfully submitted,

/s/Luba Dace

LUBA DACE, Plaintiff Pro Se

VERIFICATION

I, **Luba Dace**, declare as follows:

1. I am the Plaintiff in the above-entitled action.
2. I have read the foregoing **PLAINTIFF'S MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES** and the facts stated therein are true and correct of my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.
3. I make this verification under penalty of perjury under the laws of the State of Nevada.

Executed this 20th day of August 2025, in Clark County, Nevada.

/s/Luba Dace

LUBA DACE, Plaintiff Pro Se