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Attorneys for Defendants
Melvin Grimes and Law Offices of Roberts Stoffel

DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, Plaintiffs, vs. MELVIN GRIMES, BENJAMIN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS, MARY PERRY Defendants.	Case No: A-25-922833-C Dept. No.: 29 **MELVIN GRIMES'S OPPOSITION TO THE MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES** **Hearing Date: October 9, 2025** **Hearing Time: 9:00 a.m.**

Defendants MELVIN GRIMES and LAW OFFICE OF ROBERTS STOFFEL (collectively "Grimes" or "Defendants") by and through their counsel of record at Garin Law Group hereby file their Opposition to Plaintiff's Motion to take Melvin Grimes's deposition on an expedited basis and state as follows:

1. Defendant Melvin Grimes at all times relevant served as counsel to Plaintiff's ex-husband in a case where Plaintiff is a party opponent. *Gonzalez v. Gonzalez*, filed in the Eighth Judicial District Court for the State of Nevada, Case No. D-18-575860-D. This case remains pending.

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2. On August 29, 2025, Grimes filed their Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP).

3. This Court should deny Plaintiff's Motion to depose Melvin Grimes because anything Mr. Grimes has to testify to is subject to the attorney-client privilege or work-product privilege

4. Further, pursuant to NRS 41.660(3)(e), discovery must be stayed pending a ruling on the anti-SLAPP motion by this Court and any appeal therefrom. The recognized purpose of the Nevada anti-SLAPP statute is to "limit[] the chilling effect of civil actions that are based on the valid exercise of [free speech] rights in connection with an issue of public concern." *Omerza v. Fore Stars, Ltd*, 455 P.3d 841, 2020 WL 406783, at *1 (Nev. Jan. 23, 2020). In other words, it seeks to protect against "meritless suit[s]" that lead to "costly, time-consuming litigation." *Smith v. Craig*, No. 2:19-cv-00824-GMN-EJY, 2019 WL 4781852, at *2 (D.Nev. Sept. 30, 2019).

Indeed, eliminating discovery in such situations was one of the legislature's primary directives in passing the anti-SLAPP statute. Prior to the anti-SLAPP statute's passage, SLAPP lawsuits were "typically dismissed, but often not before the defendant [wa]s put to great expense, harassment and interruption of their productive activities." 1997 Nev. Stat., ch. 387, at 1364. The Nevada Legislature acted to fix that problem, including by mandating a stay of discovery until a judge could review the threshold legal viability of the claims.

To that end, NRS 41.660 not only provides "early resolution to minimize the potential costs of protracted litigation, it also ... protect[s] defendants from the burden of traditional discovery pending resolution of the motion." *Britts v. Super. Ct.*, 145 Cal. App. 4th 1112, 1124 (2006) (applying California's anti-SLAPP statute upon which Nevada's was based). Permitting any discovery before a ruling on Mr. Grimes's special motion to

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dismiss, including a deposition of Mr. Grimes himself, would be fundamentally at odds with Nevada's anti-SLAPP statute.

DATED this 3rd day of September, 2025.

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By: */s/ Angela Ochoa*
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Attorneys for Defendants Melvin Grimes and Law Offices of Roberts Stoffel

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CERTIFICATE OF SERVICE

I hereby certify that on the this 3rd day of September, 2025, I served of the foregoing **OPPOSITION TO THE MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES** was made pursuant to NRCP 5(b) to the following parties utilizing the Court's E-File/ServeNV System:

Luba Dace [redacted] Las Vegas NV, 89178	Benjamin B. Childs, Sr., Esq. BENJAMIN B. CHILDS, LTD. [redacted] Attorney for Defendants Benjamin Childs and Law Office of Benjamin B. Childs

/s/ Juan Cerezo
An Employee of GARIN LAW GROUP

GARIN LAW GROUP [redacted]