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Steven D. Grierson
CLERK OF THE COURT

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, ROBERTS STOFFEL FAMILY LAW GROUP,

Defendants.

Case No.: A-25-922833-C
Dept. No.: 29

OBJECTION TO PREMATURE HEARING DATE AND REQUEST FOR CONTINUANCE

COMES NOW Plaintiff, LUBA DACE, in proper person, and respectfully objects to any hearing on Defendants' Motions to Dismiss scheduled before Plaintiff's full opposition period has run, and requests that this Court continue the hearing until after Plaintiff's pending Motion to Amend Complaint is resolved.

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Case Number: A-25-922833-C

I. BASIS FOR OBJECTION

1. Under NRCP 6(d) and EDCR 2.20(e), Plaintiff has 14 days after service to file and serve an opposition to a motion, unless the Court expressly shortens time upon motion and order.
2. No Order Shortening Time has been granted. Any hearing date falling within Plaintiff's 14-day opposition period is premature and prejudicial.
3. Plaintiff is entitled to the full opposition period to research, prepare, and file a response. Forcing a hearing before that time has elapsed would deprive Plaintiff of due process.

II. INTERPLAY WITH MOTION TO AMEND

4. Plaintiff has a Motion to Amend Complaint that is already fully briefed and was submitted to this Court before any Motion to Dismiss.
5. Judicial economy and fairness strongly favor hearing the Motion to Amend first. If granted, it will define the operative pleading and render aspects of the dismissal motions potentially moot.
6. Proceeding on dismissal before amendment would risk wasted judicial resources and inconsistent rulings.

III. ANTI-SLAPP STATUTE REQUIRES FAIR OPPOSITION PERIOD

7. Defendants' motion is styled as a "Special Motion to Dismiss" under NRS 41.660. That statute expressly contemplates a fair opposition process.
8. NRS 41.660(3)(e) provides that the Court must rule on such a motion within *60 days after it is filed,* unless the docket requires a later hearing. This accelerated ruling

requirement does not shorten Plaintiff's 14-day opposition window under EDCR 2.20(e) and NRCP 6(d).

9. Further, NRS 41.660(3)(f) authorizes the Court to extend the time to file an opposition "upon a showing of good cause." The Legislature therefore intended that a responding party be afforded meaningful time to prepare opposition, even in the anti-SLAPP context.
10. Plaintiff's opposition deadline is September 12, 2025, fourteen days after service of the motion on August 29, 2025. Any hearing before that date would deprive Plaintiff of due process and directly conflict with both the Rules of Civil Procedure and the plain text of the anti-SLAPP statute.

IV. REQUEST FOR RELIEF

For the reasons set forth above, Plaintiff respectfully requests that this Court:

- Continue or vacate any hearing presently set on Defendants' Motions to Dismiss until after Plaintiff's opposition deadline has run; and
- Order that Plaintiff's pending Motion to Amend Complaint be heard and decided before, or at minimum concurrently with, any hearing on Defendants' dismissal motions.

DATED this 3rd day of September, 2025.

Respectfully submitted,

/s/ *Luba Dace*

Luba Dace, Plaintiff in Proper Person

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of September, 2025, I served a true and correct copy of the foregoing **Objection to Premature Hearing Date and Request for Continuance** through the Court's E-File/ServeNV system upon:

- Joseph P. Garin, Esq., and Angela N. Ochoa, Esq., *Attorneys for Defendant Melvin Grimes and Roberts Stoffel Family Law Group*
- Benjamin B. Childs, Esq., *Attorney for Defendants Benjamin Childs and Law Office of Benjamin B. Childs*

/s/ *Luba Dace*

Luba Dace