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Pro Per

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, Plaintiff, v. MELVIN GRIMES, BEN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS, ROBERTS STOFFEL FAMILY LAW GROUP, Defendants.	Case No.: A-25-922833-C Dept. No.: 29 **REPLY IN SUPPORT OF MOTION FOR EXPEDITED DEPOSITION OF DEFENDANT MELVIN GRIMES**

Plaintiff Luba Dace, in proper person, submits this Reply in support of her Motion for Expedited Deposition of Defendant Melvin Grimes.

Defendant's Opposition rests on two premises—that Anti-SLAPP mandates a blanket discovery stay and that privilege bars any testimony—but it does not dispute the medical urgency or engage the narrow preservation relief Plaintiff actually seeks. The Court should grant the Motion.

Case Number: A-25-922833-C

I. DEFENDANT DOES NOT DISPUTE MEDICAL URGENCY OR NEED TO PRESERVE TESTIMONY

Plaintiff moved on the ground that Mr. Grimes is in critical medical condition and may not survive to trial; without prompt preservation, material testimony could be permanently lost. The Opposition is silent on this dispositive point and does not contend the testimony is unnecessary. Nevada trial courts have broad discretion to prevent such irreparable prejudice and to preserve essential evidence. See, e.g., NRCP 30(a)(2), 26(c), 32(a)(4).

II. THE ANTI-SLAPP STAY IS NOT ABSOLUTE; LIMITED, TARGETED DISCOVERY IS PERMITTED AND WARRANTED

Defendant asserts NRS 41.660(3)(e) compels a complete discovery freeze. Not so. The statute permits specified, court-approved discovery for good cause—particularly where discovery is relevant to the motion. Here, the requested deposition is (a) narrowly tailored as a preservation measure and (b) directly relevant to Step-One of Anti-SLAPP (whether communications were made in good faith). See Defendant's own statement of the Anti-SLAPP framework (citing *Coker*). A short, accommodated deposition limited to the "good-faith" issues fits squarely within the exception and avoids the very burdens Anti-SLAPP was designed to prevent.

III. KNOWINGLY FALSE STATEMENTS ARE NOT "GOOD-FAITH COMMUNICATIONS" UNDER NRS 41.637(4)

Defendant's filings treat litigation statements as automatically protected "good-faith communications." That misstates the law. As Defendant acknowledges, Anti-SLAPP Step-One requires a threshold showing that the claim is based on a good-faith communication. Nevada law (*Coker*) makes clear that to meet this threshold the communication must be truthful or made without knowledge of falsity—if Plaintiff's allegations of knowing falsity prove out (e.g., ignoring a stipulation, injecting baseless criminal accusations, and irregular ex parte conduct),

the statute provides no shield. Because the expedited deposition is targeted to those "good-faith" facts, it should be allowed notwithstanding the stay.

IV. PRIVILEGE DOES NOT BAR SCHEDULING OR CONDUCTING A LIMITED PRESERVATION DEPOSITION

Defendant argues that "anything Mr. Grimes has to testify to" is privileged. That sweeping position is legally unsupportable and premature. Privilege protects confidential attorney-client communications, not an attorney's own conduct (e.g., communications with the court, filings, statements in open court). Privilege objections are resolved question-by-question at deposition; they are not grounds to prohibit a deposition altogether. The Court can cabin topics to non-privileged conduct and permit counsel to assert particularized objections as needed.

V. THE OSC IRREGULARITIES AND RECORD CONFUSION REINFORCE THE NEED FOR PRESERVATION NOW

Defendant's motion papers claim there were December 2021 ex parte filings and orders regarding the TRO/OSC and point to exhibits in support. Plaintiff, however, identifies a gap: no application appears for the purported OSC, and Plaintiff is unaware of any mechanism by which a judge could privately message counsel to file an OSC with fee sections left blank. Defendant's Opposition does not substantively engage these irregularities. The fastest, fairest path to resolve the discrepancy—and to inform the Anti-SLAPP "good-faith" inquiry—is to preserve Mr. Grimes's testimony now while it remains obtainable.

VI. LITIGATION PRIVILEGE PROTECTS ADVOCACY, NOT ABUSE OF PROCESS; IT DOES NOT FORECLOSE THIS DEPOSITION

Defendant leans on litigation privilege and out-of-state authorities to suggest absolute immunity for anything done in litigation. But privilege is a merits defense distinct from the Anti-SLAPP Step-One "good-faith" threshold and does not bar scheduling a preservation deposition—especially where Plaintiff alleges misuse of process and knowing falsity.

Defendant's Opposition does not reconcile privilege with the statute's express allowance for targeted discovery or with the Court's inherent authority to preserve critical testimony.

VII. DEFENDANT'S NON-RESPONSES ARE DEEMED CONCESSIONS ON KEY POINTS

Defendant does not deny: (1) his medical condition and the risk of lost evidence; (2) that the deposition can be narrowly tailored and accommodated; (3) that the Anti-SLAPP good-faith question is central and factual; or (4) the OSC irregularities flagged by Plaintiff. The Court should treat these failures to engage as concessions for purposes of this motion and weigh them in favor of granting preservation relief.

VIII. NARROW, REASONABLE PARAMETERS (GOOD CAUSE; MINIMAL BURDEN)

To address Defendant's concerns while preventing irreparable prejudice, Plaintiff proposes the following conditions:

1. Scope: Limited to non-privileged topics relevant to Anti-SLAPP Step-One "good-faith" issues (e.g., basis for criminal allegations in civil custody hearings; knowledge of stipulations; communications with the court regarding the December 2021 TRO/OSC process and filing mechanics).
2. Duration: Up to 2 hours on-the-record.
3. Format/Location: Remote (Zoom) or, if necessary, at Defendant's residence/medical facility with reasonable medical accommodations.
4. Recording/Use: Stenographic and audiovisual; admissible if unavailability occurs, NRCP 32(a)(4).
5. Privilege Handling: Question-by-question objections; no wholesale bar.
6. Timing: Within 10 days of the order or the earliest medically feasible date.

These terms preserve essential evidence with minimal burden and fully respect privileges and health constraints.

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IX. CONCLUSION

Plaintiff respectfully requests that the Court grant the Motion and enter an order:

- Authorizing a limited, expedited preservation deposition of Mr. Grimes on the terms above;
- Clarifying that the deposition is permitted as specified discovery relevant to the pending Anti-SLAPP motion's "good-faith" prong and to prevent irreparable loss of evidence; and
- Providing that any privilege assertions be made on a question-by-question basis.

DATED this 10th day of September, 2025.

Respectfully submitted,

/s/ *Luba Dace*

LUBA DACE, Plaintiff Pro Se

VERIFICATION (Unsworn Declaration under NRS 53.045)

I, Luba Dace, declare:

I am the Plaintiff in the above-captioned matter, Case No. A-25-922833-C (Dept. 29) in the Eighth Judicial District Court, Clark County, Nevada.

I have read the foregoing Reply in Support of Motion for Expedited Deposition of Defendant Melvin Grimes and know its contents. The facts stated therein are true and correct of my own personal knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Any attached exhibits are true and correct copies of the documents they purport to be.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on September 10, 2025, at Las Vegas, Nevada.

/s/*Luba Dace*

Luba Dace

[redacted]

Plaintiff, Pro Per

Affirmation (NRS 239B.030): I affirm this document does not contain the social security number of any person.

CERTIFICATE OF SERVICE

I certify that on September 10, 2025, I served a true and correct copy of the foregoing Reply in Support of Motion for Expedited Deposition of Defendant Melvin Grimes by e-service to all Defendants listed below:

Ben B. Childs, Esq.

Law Offices of Ben B. Childs

Counsel for Law Offices of Ben B. Childs

Angela Ochoa, Esq.

Counsel for Roberts Stoffel Family Law Group

/s/Luba Dace

Luba Dace, Plaintiff, Pro Per

[redacted]