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LUBA DACE
[redacted]
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

PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT

Introduction

Filed in the alternative; no waiver. Subject to and without waiving Plaintiff's position that Defendant's Opposition is untimely and should be stricken, this submission is made **only in the event** the Court **denies** the Motion to Strike. All timeliness and procedural objections are preserved. Defendant Grimes' and Roberts Stoffel Family Law's Opposition misstates the Rule 15 standard, overreads anti-SLAPP procedure, and offers only conclusory "futility" assertions that ignore the second element of abuse of process. Nevada law "freely" allows amendment absent undue delay, bad faith, undue prejudice, or clear futility—and none is shown

Case Number: A-25-922833-C

here. The anti-SLAPP cases Defendant relies on (*Vannah/Salma*) at most prevent a plaintiff from mooting a pending special motion; they do not bar this Court from granting leave—particularly where, as here, Plaintiff moved to amend before Defendant filed the anti-SLAPP motion. Leave should be granted.

I. Defendants' "legal error" is not good cause—and after the deadline the rule requires excusable neglect, which is absent.

Defendants ask the Court to forgive their one-day late Opposition because counsel "believed Plaintiff withdrew" (Opp'n 1:26–28). That is the wrong standard and an insufficient showing even under the right one. NRCP 6(b) draws a bright line: before a deadline expires a party may seek more time for good cause; after it expires, the party must show excusable neglect. Nevada's high court has expressly applied that framework and held that, once the time has run, relief is available only upon a showing of excusable neglect.

Under Nevada law, excusable neglect requires more than a self-serving assumption; the key factor is whether the movant had a reasonable basis for failing to comply, along with good faith, diligence, and lack of prejudice. A bare claim that counsel "believed" a motion was withdrawn—without a stipulation, order, or docket entry—does not supply a reasonable basis.

Federal guidance that Nevada follows confirms the point: "inadvertence, ignorance of the rules, or mistakes construing the rules do not usually constitute 'excusable' neglect." A unilateral legal error or misreading of the procedural posture is therefore not the kind of reason that satisfies post-deadline relief.

To the extent Defendants invoke "good cause," that standard does not apply after the due date; they had to carry the heavier excusable-neglect burden and did not.

II. Nevada's controlling Rule 15 standard governs—and favors leave here

NRCP 15(a)(2) directs courts to "freely give leave when justice so requires." Nevada decisions emphasize amendment is to ensure cases are decided on the merits, with denial reserved for undue delay, bad faith, undue prejudice, or clear futility. Plaintiff's Motion lays out that controlling standard (*Stephens*; *Adamson; City of North Las Vegas v. 5th* & *Centennial*; *Haley*), and explains there is no trial date, the amendments clarify chronology and facts, and there is no prejudice. Defendant never engages these factors. That alone warrants granting leave.

Defendant cites *Halcrow* for the uncontroversial point that futility can defeat leave. Plaintiff agrees—that's Nevada law. But *Halcrow* helps Defendant only if it actually proves futility as a matter of law, which it does not.

III. The anti-SLAPP sequencing here defeats Defendant's *Vannah/Salma* theory

Defendant asserts that once a special motion under NRS 41.660 is filed, Plaintiff "shall not be granted leave to amend," citing *Vannah* and a California case (*Salma*). But *Vannah's* holding is narrower: an amended complaint filed after an anti-SLAPP motion is pending cannot be used as the operative pleading for deciding that pending motion (i.e., a plaintiff cannot moot it). That is not our posture. Here, Plaintiff filed her Motion for Leave to Amend on August 15, 2025—two weeks before Defendant filed its anti-SLAPP on August 29, 2025. So *Vannah*/*Salma* do not apply. The Court can simply (i) decide the pending anti-SLAPP against the then-operative complaint and (ii) grant Rule-15 leave effective upon that decision. This honors *Vannah* without creating a categorical "no-amendment" rule Nevada law does not recognize.

Defendant's timeline point—that it filed its anti-SLAPP "prior to any order granting leave"—changes nothing. *Vannah* turns on when the amended pleading is filed relative

to the special motion, not on whether a leave order had entered. And again, Plaintiff's leave motion predated the anti-SLAPP.

IV. Defendant's "futility" argument misstates abuse-of-process and ignores element two

A. Using process ≠ not abusing process.

Defendant says the PFAC is futile because "the facts alleged therein establish that…Grimes filed pleadings and took part in process…to resolve a legal dispute." That is a non-sequitur. The tort of abuse of process assumes process was used; the question is whether it was used for a collateral end (ulterior purpose) and whether there was a willful improper act in that use. Saying "I was using process" is not a defense; it's the starting point of the tort. The Opposition's premise—"because I was using a process, there's no way I was abusing it"—is legally wrong.

B. *Dutt's* two elements are plausibly pled, and the Opposition never shows otherwise.

Dutt requires (1) an ulterior purpose other than resolving a legal dispute, and (2) a willful act in using process not proper in the regular conduct of the proceeding. The PFAC pleads both (e.g., deploying criminal-abduction rhetoric in civil calendars to coerce outcomes unattainable through the ordinary civil pathway = ulterior purpose; injecting criminal mens-rea issues into proceedings not designed to adjudicate them = willful improper act). Defendant recites *Dutt* but never engages element (2); instead, it simply relabels the alleged conduct as ordinary litigation. That is a merits disagreement, not "futility." At the Rule-15 stage, plausible allegations suffice.

B. Their Exhibit-style relevance point misses the mark.

Defendant says custody and marital property were issues in the divorce and cites Plaintiff's original divorce complaint to claim everything had an "appropriate litigation purpose." But whether those topics existed in the case does not answer whether a particular use of process

was aimed at a collateral advantage or executed by an improper act. That is exactly what abuse-of-process tests. Their own framing concedes process was used; the PFAC alleges how it was misused. That defeats a futility finding on reply.

V. Clarification re "teachers" point

Defendant repeatedly references the PFAC's summary line about "procuring testimony from teachers…for use in custody proceedings." To narrow issues: Plaintiff is not pressing any claim at this time based solely on subpoenaing teachers to testify. Accordingly, the Court need not consider that line as a basis to deny amendment; the live abuse-of-process theory rests on the misuse described above.

VI. Practical case-management order that resolves all concerns

To the extent the Court wishes to avoid any *Vannah* dispute while honoring Rule 15's liberal policy, Plaintiff proposes this order: (1) decide Defendant's pending NRS 41.660 motion against the currently operative complaint; (2) grant Plaintiff leave to file the Fourth Amended Complaint effective upon the anti-SLAPP decision; and (3) permit targeted Rule 12 briefing thereafter if Defendants still contend any amended claim is legally deficient. This approach is faithful to Nevada precedent and conserves judicial resources.

Conclusion

Defendants Grimes and Roberts Stoffel show no undue delay, bad faith, prejudice, or clear futility—and its anti-SLAPP sequencing argument fails because Plaintiff moved to amend before the special motion was filed. Plaintiffs seek leave now to capture and plead a pattern of misuse stretching for more than five years, during which Defendant Grimes has leveraged the courts to punish Plaintiff and her husband—including (among other things) injecting criminal-abduction rhetoric into civil proceedings, attempting to procure admission of an unauthorized

report as evidence, and advising his client to withhold the minor child from Plaintiff—not to evade any special motion. Anti-SLAPP does not apply to these claims; Plaintiffs simply seek to be made whole for the harm caused by that sustained abuse of process. The Court should grant leave under NRCP 15(a)(2) (freely given), decide the pending anti-SLAPP against the currently operative pleading, and make the amendment effective upon that decision so this case can proceed on the merits. Attached is the most updated version of the Fourth Amended Complaint. (Ex. 2: 4AC)

VERIFICATION (NRS 53.045 Unsworn Declaration)

I, Luba Dace declare:

I am the Plaintiff in the above-captioned action.

I have read the foregoing PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT, including any exhibits, and know its contents. The factual statements are true and correct of my 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 (NRS 53.045) that the foregoing is true and correct.

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

/s/*Luba Dace*

Luba Dace, Plaintiff, in Proper Person

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, I caused a true and correct copy of the foregoing PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT to be served as follows:

Electronic Service (NRCP 5(b)): By filing through the Eighth Judicial District Court's electronic filing system (Odyssey eFile & Serve), which will serve all registered users in this case.

/s/*Luba Dace*

Luba Dace, Plaintiff, in Proper Person

[redacted]Las Vegas, NV

EXHIBIT 2

LUBA & PHILIP DACE
[redacted]
Pro Per

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

PHILIP DACE, LUBA DACE, Plaintiffs, 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 **FOURTH AMENDED COMPLAINT FOR: (1) PROFESSIONAL NEGLIGENCE/LEGAL MALPRACTICE (AND BREACH OF FIDUCIARY DUTY); (2) FRAUD/INTENTIONAL MISREPRESENTATION (AGAINST CHILDS); (3,4,5,6) ABUSE OF PROCESS (AGAINST GRIMES)**

Plaintiffs **Luba & Philip 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. Plaintiff's claims arise from non-communicative conduct (e.g., issuance and misuse of process) rather than the content of advocacy or testimony.

II. PARTIES

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

7. Plaintiff **Philip Dace** resides in Clark County, Nevada and is the father of a minor child wrongfully withheld through Defendants' misuse of process.

8. Defendant **Benjamin B. Childs** (Mr. Childs) is a Nevada attorney; Defendant **Law Office of Benjamin B. Childs** is his law practice.

9. Defendant **Melvin Grimes** (Mr. Grimes) is a Nevada attorney who represented Plaintiff's ex-husband, Enrique Gonzalez and was employed by **Roberts Stoffel Family Law**.

10. Dr. Joel Mishalow (Dr. Mishalow) is a licensed psychologist in Nevada who, at the request of Defendant Grimes, prepared a custody-related report in 2021 without judicial authorization, without evaluation of the child with her father, and in concert with Defendant Grimes's misuse of process.

11. At all relevant times, Judge Mary Perry served as a judge of the Eighth Judicial District Court.

12. Plaintiff does not assert claims against Judge Perry in this action; references to Judge Perry's conduct are included solely as background and context for Plaintiff's claims against Defendants Mr. Grimes and Mr. Childs.

III. GENERAL ALLEGATIONS

A. Custody litigation background; school placement and related events

13. On April 6, 2021 the Eighth Judicial District Court, through Judge Mary Perry, imposed a parallel parenting plan after finding that co-parenting was impracticable.

14. On November 18, 2021, at Defendant Mr. Grimes's request, the Court directed that the child be enrolled at [redacted] School, where Plaintiff's ex-husband's wife was employed.

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

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

16. Between March 13–15, 2023, Mr. Childs advised Plaintiff to withhold the child from her ex-husband, despite a governing decree regulating travel.

17. He repeated this directive in communications to opposing counsel, Mr. Grimes.

18. In April 2023, Mr. Childs prepared and filed an Order to Show Cause in the family case *Gonzalez v. Velazquez-Gonzalez,* No. D-18-575860-D (Nev. Dist. Ct. Fam. Div.). seeking to change the child's school and make new orders for travel with the child but failed to include required points and authorities resulting in the relief not being granted.

19. The attorney–client relationship ended shortly after in June 2023.

20. Following termination of the representation on March 19, 2024, Mr. Childs used or disclosed Plaintiff's confidential information, including by misusing confidences in

subsequent proceedings that Plaintiff acted unilaterally in withholding the child rather than acknowledging his prior advice against the drop-off; such conduct was adverse to Plaintiff and outside any waiver, contrary to his duties as former counsel under NRPC 1.9(c).

C. Grimes's Conduct and Ex Parte Directive

21. On or around December 16, 2021, outside any noticed proceeding, Judge Perry instructed Defendant Mr. Grimes to prepare and file an OSC and to leave the line for attorney's fees blank.

22. Mr. Grimes accepted and acted on this directive, applying for an OSC on December 17, 2021, that sought to jail Plaintiff for 25 days in connection with her bankruptcy filing.

23. On March 4, 2022, during *In re Luba Snow*, No. 21-15676-NMC (Bankr. D. Nev.), Mr. Grimes stated on the record that he would be paid from the proceeds of Plaintiff's residence.

24. In the same hearing, Mr. Grimes alleged Plaintiff had coerced and falsified a signature, which Plaintiff alleges was false and intended to challenge a valid quitclaim deed to advance his financial interest.

25. The OSC was thereafter used to maintain threats of jail, pressure Plaintiff into bankruptcy concessions, and facilitate the forced sale of her residence for Mr. Grimes's financial benefit.

D. Damages and Discipline

26. As a result of Defendants' acts and omissions, Plaintiff suffered:

(a)increased litigation expenses (over $120,000),

(b)coerced loss of her residence and substitute housing costs (approx. $2,100/month for four years),

(c)adverse custody outcomes culminating in loss of joint physical custody, and severe emotional distress and anxiety.

27. On March 4, 2023, the United States Bankruptcy Court held Defendant Mr. Grimes in contempt for pursuing contempt sanctions against Plaintiff notwithstanding the automatic stay in *In re Luba Snow*, No. 21-15676-NMC (Bankr. D. Nev.).

28. On May 12, 2022, Plaintiff filed a motion to disqualify Judge Mary Perry based on bias.[1]

29. On May 18, 2022, Judge Perry recused herself from Plaintiff's custody case.

30. On March 1, 2024, the State Bar of Nevada publicly admonished Defendant Mr. Grimes for violations of RPC 1.1, 3.1, 3.2, 4.4, and 8.4 arising from his conduct in Plaintiff's custody and bankruptcy matters.

31. December 29, 2023, the State Bar of Nevada also publicly admonished managing partner Amanda Roberts for failing to adequately supervise Mr. Grimes in violation of RPC 5.1, arising from the same conduct at issue in this case. Plaintiffs will submit the State Bar's admonition letters as exhibits upon request or leave of court.

32. On July 18, 2024, the Nevada Commission on Judicial Discipline issued a public censure of Judge Perry for her treatment of Plaintiff in Plaintiff's case.

33. Plaintiff does not assert claims against Judge Perry in this action; the censure is referenced solely as background and context for Defendants' conduct.

[1] Plaintiff only moved to disqualify Judge Perry based on her bias rulings at this time and did not know any ex-parte communication occurred until shortly after Perry's public censure in July 2024.

E. [redacted] Withholding of Children and Unauthorized Psychologist Report

34. In 2020, Defendant Grimes advised his clients Enrique and Jennifer Gonzalez to file false CPS reports against both Plaintiffs.

35. November 2020, after CPS found the allegations unsubstantiated, he filed identical emergency motions alleging that Luba was abusing Philip's child and based on those motions, advised his clients to withhold the children.

36. Based on these reports, Luba's child was withheld for seventeen days until Judge Cheryl Moss of Department I ordered her return on November 19, 2020.

37. Philip's daughter was withheld for seven months until a non-jury custody trial found the allegations unsubstantiated and restored his joint custody in June 2021.

38. In February 2021, Defendant Grimes asked Dr. Mishalow to prepare a custody-related report, even though the Court had only authorized therapy, as part of his effort to further the abuse of process against Philip.

39. Dr. Mishalow wrote the report without meeting or evaluating Philip, and Defendant Grimes later attempted to submit it in court as if it had been ordered.

40. Philip first discovered the extent of this abuse of process in September 2024 when after researching his case it became clear the report was unauthorized and used outside the scope of the Court's order.

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 incorporates by reference the preceding paragraphs as though fully set forth herein.

42. Plaintiff and Defendant Mr. Childs formed an attorney–client relationship no later than December 2021 under a retainer agreement.

43. Defendant Mr. Childs owed Plaintiff duties to exercise the skill, prudence, and diligence of a reasonably competent Nevada attorney, including compliance with then-operative court orders, proper filing practice, and duties owed to a former client under NRPC 1.9(c).

44. Defendant Mr. Childs breached these duties by, inter alia:

(a) advising between March 8–15, 2023 that Plaintiff could not release the child for cross-border travel despite a governing decree permitting such travel;

(b) filing an April 2023 OSC without required points and authorities, resulting in denial of relief; and

(c) after termination of representation, using or disclosing Plaintiff's confidential information adverse to her interests, outside any waiver.

45. As a direct and proximate result, Plaintiff was forced to defend against an unfounded presumption under NRS 125C.0035(7), was required to go to trial, and ultimately lost joint physical custody of her child.

46. Plaintiff suffered economic and non-economic damages proximately caused by Defendant Childs's malpractice, in amounts to be proven at trial.

COUNT 2 – FRAUD / INTENTIONAL MISREPRESENTATION
(Against Benjamin B. Childs and Law Office of Benjamin B. Childs)

47. On or about March 13, 2023, at approximately 5:00 pm, while serving as Plaintiff's counsel and communicating from within Clark County, Nevada, Defendant Mr. Childs sent Plaintiff a SMS text message from [redacted] to Plaintiff.

48. In that communication Mr. Childs stated, “Obviously you need to talking parents him & just say you’re done. He’s NOT picking up [the child] on Wed. NO WAY !”

49. Mr. Childs further reiterated these instructions to opposing counsel Defendant Mr. Grimes on March 15 by email, notifying him that, “…no, she cannot provide [the child] at the exchange point right now for the following reasons…CBX tickets have not been provided.”

50. At the time of these statements, a Stipulated Decree of Divorce filed December 8, 2021, governed travel. [2]

51. In reliance on Mr. Childs’s March 13–15 advice, Plaintiff withheld the child, which was later used to trigger the abduction presumption under NRS 125C.0035(7).

52. Mr. Childs made these statements knowingly, or at minimum with reckless disregard for whether his advice was consistent with the governing court orders, and with the intent that Plaintiff rely on them.

53. Plaintiff suffered loss of shared physical custody on January 2, 2025, and considerable appeal costs.

54. Mr. Childs knew, or was reckless in not knowing, that his statements were materially incomplete and misleading, omitting the operative order’s terms authorizing/conditioning travel, and that his direction to withhold the child, if followed, would violate that order.

55. Defendant Mr. Childs’s misrepresentations were a substantial factor in causing Plaintiff’s damages, both economic and non-economic.

[2] Plaintiff notes that the decree incorporated a stipulation reached and memorialized in March 2023 under which Plaintiff’s former spouse was to provide CBX tickets for cross-border travel. The stipulation did not authorize Plaintiff to withhold the child in the absence of such tickets; this background is noted only to clarify context for Defendant Mr. Childs’s advice.

56. Malice/Intent. The circumstances support a strong inference of intent to induce Plaintiff to act in accordance with Mr. Childs's advice despite the contradictory order.

57. Relief. Plaintiff seeks compensatory and punitive damages, and costs as permitted by law.

COUNT 3 – ABUSE OF PROCESS
(2020 Withholding of Luba's Child)
(Against Grimes)

58. Plaintiff Luba Dace incorporates by reference all preceding paragraphs.

59. Defendant Grimes, acting as attorney for Enrique Gonzalez, advised and directed his client to fabricate a "paper trail" of abuse by filing knowingly false CPS reports against Luba.

60. Acting on this advice, Gonzalez wrongfully withheld Luba's minor child for seventeen (17) consecutive days.

61. Luba was forced to obtain an Order for Return of Child signed by Judge Moss on November 17, 2020, who ordered the immediate return of the child.

62. Defendant Grimes's conduct constituted a willful misuse of the judicial process, using custody and protective proceedings as tools of harassment and coercion rather than for their lawful purpose.

63. The ulterior purpose of Grimes's conduct was to discredit Luba, inflict emotional and financial harm, and gain unfair litigation leverage.

64. As a direct and proximate result, Luba suffered loss of parent-child contact, emotional distress, reputational harm, and financial costs.

COUNT 4 – ABUSE OF PROCESS
(2020/2021 Withholding of Philip's Child and Unauthorized Psychologist Report)
(Against Grimes)

65. Plaintiff Philip Dace incorporates by reference all preceding paragraphs.

66. In 2020, Defendant Grimes advised and directed his client to file false CPS reports against Philip and to unlawfully withhold Philip's daughter.

67. Mr. Grimes filed an emergency motion alleging abuse even though he knew the accusation was baseless and could never be reasonably proven.

68. Based on these false reports and fabricated claims of abuse, Philip was deprived of joint physical custody for seven (7) months.

69. To regain custody, Philip was forced to undergo a non-jury trial on modification of custody, which ultimately found the allegations meritless and restored his joint custody.

70. To further this abuse, in February 2021, Grimes solicited his personal friend, Dr. Joel Mishalow, to prepare a custody-related psychological report.

71. Notably, Judge Dee Butler had only authorized the child to see a psychologist for therapeutic purposes; it had not authorized or ordered any report. *Hamer v. Dace*, No. D-17-559232-C (Nev. Dist. Ct., Clark Cnty. Fam. Div.)

72. Dr. Mishalow prepared the report without ever meeting or evaluating Philip, and provided it to Grimes for use in litigation.

73. In July 2021, Grimes attempted to submit this unauthorized report in court, misrepresenting it as if it were ordered by the judge. Philip's counsel, Nathan Gibbs of Kelleher & Kelleher, objected, and the Court excluded the report.

74. Defendants' acts were outside any privilege or protection because they involved fabricating evidence outside the scope of the court's order.

75. These acts constitute a willful misuse of judicial process: Defendants perverted therapeutic orders and custody proceedings into tools for fabricating evidence, prolonging litigation, and depriving Philip of parental rights.

76. The ulterior purpose was to stigmatize Philip, prolong litigation, inflict financial and emotional harm, and unlawfully deprive him of access to his daughter.

77. Defendant's misconduct was a substantial factor in causing Philip's damages, including prolonged loss of custody, emotional distress, reputational injury, and significant litigation costs.

COUNT 5 – ABUSE OF PROCESS
(2021 Family and Bankruptcy Court Proceedings)
(Against Melvin Grimes and Roberts Stoffel Family Law Group)

78. Plaintiff incorporates the preceding paragraphs.

79. On December 17, 2021, in the civil custody action *Gonzalez*, No. D-18-575860-D. Mr. Grimes applied for and obtained an Order to Show Cause setting a contempt/jail hearing against Plaintiff (the "OSC").

80. The OSC issued on December 17, 2021, and the hearing was set for December 22, 2021.

81. Ex parte predicate (context for intent and misuse). As alleged above (¶21, 22), Defendant Mr. Grimes accepted and acted on an ex parte directive to prepare and file the OSC with the attorney's fees line left blank.

82. Ulterior purpose. Defendant Mr. Grimes pursued and used the OSC not to resolve custody issues, but to coerce collateral bankruptcy concessions, including pressuring Plaintiff to dismiss or limit her bankruptcy protections and threatening incarceration as leverage.

83. As further alleged above (¶23), Mr. Grimes also admitted on March 4, 2022, in *In re Luba Snow*, No. 21-15676-NMC (Bankr. D. Nev.), that he expected to be paid from the proceeds of Plaintiff's residence, confirming his financial motive.

84. These purposes are unrelated to adjudicating best interests under NRS 125C.0035.

85. Improper acts**.** After issuance of the OSC, Defendant Mr. Grimes:

(a) pressed the OSC forward despite notice of the automatic stay;

(b) sought settings and accelerations to maintain the threat of jail;

(c) invoked jail exposure to pressure Plaintiff into bankruptcy concessions unrelated to custody;

(d) relied on the ex parte directive regarding attorney's fees as bargaining leverage; and

(e) coupled the OSC with efforts to force the sale of Plaintiff's residence and direct compensation to himself from the proceeds.

86. These actions were not proper in the regular conduct of a custody proceeding and intruded upon the bankruptcy court's exclusive authority under 11 U.S.C. § 362.[3]

87. Damages. As a proximate result, Plaintiff suffered economic and non-economic harm, including litigation expenses, housing losses, custody-related injury, and emotional distress, in amounts to be proven at trial.

88. Clarification. This Count seeks liability solely against Defendant Mr. Grimes for misuse of process.

[3] Any reference to the violation of the automatic stay, previously litigated in *In re Snow*, Case No. 21-15676-NMC (Bankr. D. Nev.), is alleged solely as evidence of Defendant's abuse of process, motive, and intent. Plaintiff does not seek to re-litigate or collaterally attack matters already adjudicated in the bankruptcy proceeding.

89. References to ex parte communications and to Mr. Grimes's March 4, 2022, admission are pleaded only as evidence of his knowledge, motive, and intent, not to impose liability on any judicial officer.

90. Malice/oppression. The foregoing conduct was willful and in conscious disregard of Plaintiff's rights, supporting punitive damages under NRS 42.005.

COUNT 6 – ABUSE OF PROCESS
(2024 Custody Trial Proceedings)
(Against Melvin Grimes and Roberts Stoffel Family Law Group)

91. Plaintiff incorporates the preceding paragraphs.

92. On March 19, 2024, during trial in the civil custody action Gonzalez v. Velazquez-Gonzalez, No. D-18-575860-D, Defendant Grimes misused judicial process by alleging that Plaintiff violated NRS 200.359 (child abduction), even though no criminal charge or conviction existed, the family court had already adjudicated the issue, and Grimes knew the statute could not apply under the circumstances.

93. Grimes made this allegation despite his firsthand knowledge that it was his own client, Enrique, who had failed to comply with a stipulation between attorneys Grimes and Childs, memorialized in an email dated March 15, 2023, which directly negated any claim of abduction.

94. On October 15, 2024, in the same trial, Defendant Grimes repeated the tactic, again accusing Plaintiff of criminal abduction under NRS Chapter 200—allegations turning on criminal intent that he knew were outside the jurisdiction of the family court and legally irrelevant to a custody proceeding.

95. Ulterior purpose**.** By injecting criminal allegations into the custody trial, Defendant Grimes sought not to advance a legitimate best-interests analysis under NRS 125C.0035, but to:

(a) manufacture a purported change in circumstances to justify modification of custody;

(b) stigmatize Plaintiff as a criminal without lawful adjudication; and

(c) increase leverage to extract custody concessions unrelated to the actual merits.

96. Improper acts. Defendant Mr. Grimes's conduct included:

(a) knowingly mischaracterizing family-law conduct as criminal abduction under NRS 200.359;

(b) presenting allegations of criminal conduct in a civil custody forum where no such charges existed; and

(c) pressing the court to act on accusations that were legally irrelevant in order to prejudice custody determinations.

97. Effect. Plaintiff was compelled to defend against improper accusations of criminality in a civil trial, suffered reputational harm, incurred additional litigation expense, and endured tainted custody determinations.

98. Elements satisfied. Defendant Mr. Grimes's conduct satisfies the Nevada elements of abuse of process:

(a) an ulterior purpose other than adjudicating the best interests of the child; and

(b) willful acts in the use of process not proper in the regular conduct of custody proceedings.

99. Damages. As a proximate result of the March and October 2024 misuse of process, Plaintiff suffered:

(a) increased legal expenses defending against false allegations of criminality;

(b) reputational injury from being branded a criminal in a civil forum;

(c) custody-related injury from a tainted trial record; and

(d) emotional distress and mental suffering. Damages will be proven at trial.

100. Clarification. This Count seeks liability solely against Defendant Grimes for misuse of process.

101. Malice/oppression. Defendant Grimes's repeated misconduct in March and October 2024 was willful, deliberate, and in conscious disregard of Plaintiff's rights, supporting punitive damages under NRS 42.005.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request judgment in their favor and against Defendants, jointly and severally where permitted by law, as follows:

1. **Compensatory Damages:** An award of compensatory damages in an amount not less than $1,000,000, including but not limited to:
    - over **$**150,000 in litigation expenses proximately caused by Defendants' conduct;
    - approximately $100,800 in substitute housing costs (rent) incurred at $2,100 per month over four years following the forced sale of Plaintiff's residence;
    - loss of equity and value from the forced sale of Plaintiff's home;
    - adverse custody outcomes culminating in the loss of joint physical custody; and
    - other economic and non-economic losses to be proven at trial;
2. **Special Damages:** Including, without limitation, appeal-related costs actually incurred, relocation costs, and other out-of-pocket losses proximately caused by Defendants' conduct;
3. **General Damages:** For emotional distress, humiliation, reputational injury, and loss of use and enjoyment of property, in amounts to be determined at trial;
4. **Punitive Damages:** Against those Defendants whose conduct was malicious, oppressive, or in conscious disregard of Plaintiff's rights, in an amount sufficient to punish and deter, and subject to the limitations of **NRS 42.005** and other applicable law;

5. **Interest:** Pre- and post-judgment interest as permitted by law;
6. **Costs and Fees:** Recovery of taxable costs under **NRCP 54(d)(1)** and **NRS 18.005–.110**, and reasonable attorney's fees as permitted by law (including, if Plaintiff becomes represented by counsel, **NRS 18.010**);
7. **Single Satisfaction:** Plaintiff seeks a single satisfaction of overlapping losses and does not seek duplicative recovery across counts; and
8. **Further Relief:** Such other and further relief as the Court deems just and proper.

September 10, 2025

Respectfully submitted,

/s/*Luba Dace* **Luba Dace, Plaintiff Pro Per**

[redacted]

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 September 10, 2025, in Clark County, Nevada.

/s/*Luba Dace*

Luba Dace, Plaintiff Pro Per