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BENJAMIN B. CHILDS, SR, ESQ.
State Bar # 3946
[redacted]
nts
BENJAMIN CHILDS
LAW OFFICE OF BENJAMIN B. CHILDS

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. 29 Hearing : September 23, 2025

DEFENDANTS BENJAMIN CHILDS AND LAW OFFICE OF BENJAMIN B. CHILDS' REPLY TO OPPOSITION

CAN THE COURT PLEASE CLARIFY WHAT PLEADINGS ARE ACTIVE AND UPCOMING HEARING DATES

Plus, Childs is unclear what amended complaint is controlling now,

The case is a confusion of filings. It was filed July 9, 2025. There has not been an answer filed. But the court docket lists 54 documents filed as of September 16, 2025. In all the confusion Childs has no idea what Amended Complaint is operative at this time. His Countermotion addresses this issue, which appears to be set for hearing on October 9, 2025. Childs' position that that any complaint after the first one is rogue and must be dismissed. However, for purposes of Childs' Motion to Dismiss, what complaint is operative is not important. He just did not want the argument being made that he waived his right

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to raise the issue because he did not object.

PLAINTIFF IS USING THE COURT AS A PUBLICITY STUNT AND IS PLAYING THE LEGAL LOTTERY

The Clark County taxpayers are funding all the litigation which is summarized below. [Exhibit F]

Date	Defendant	Case #	Forma Pauperis	Disposition
8/30/2023	Capital One	A-23-876878-C	8/30/2023	Voluntary Dismissal 1/3/2024
8/30/2023	R C Willey	A-23-876882-C	8/30/2023	Voluntary Dismissal 10/5/2023
8/30/2023	Target	A-23-876885-C	8/30/2023	Removed to Federal Court 10/3/2023
8/30/2023	Wells Fargo	A-23-876887-C	8/30/2023	Removed to Federal Court 10/4/2023
9/18/2023	JP Morgan	A-23-877979-C	9/18/2023	Removed to Federal Court 11/2/2023
9/19/2023	Conns Home Plus	A-23-877984-C	9/19/2023	Dismissed 10/16/2024 [lack of prosecution]
9/28/2023	Credit One	A-23-878636-W	8/30/2023	Voluntary Dismissal 10/25/2023
1/29/2024	Citibank	A-24-886006-C	1/29/2024	Removed to Federal Court 03/18/2024
1/30/2024	Discover	A-24-886132-C	1/30/2024	Dismissed 8/14/2024 [lack of service]

5/26/2025	Ben Childs	A-25-919747-C [1]	5/26/2025 6/5/2025	Notice of Withdrawl of Case 7/9/2025 [docket shows as open]
4/15/2025	Louis Schneider	Las Vegas Justice 25C011288	4/15/2025	Open Pending Arbitration
5/8/2025	Experian	Las Vegas Justice 25C013474	05/08/2025	Open Last docket enrty Summons issued 5/8/2025
9/16/2024	Citibank v. Dace	Las Vegas Justice 24C026048	12/2/2024	Judgment $6,177.08 08/26/2025

Since August, 2023 Plaintiff has initiated 12 cases that Childs located with a name search, in Clark County. [Exhibit F] In only one of the 13 cases summarized was Plaintiff not the initiating party, and in that case there was a $6,177.08 judgment entered in favor of Citibank against Plaintiff on August 26, 2025, which will undoubtedly be appealed.

In ALL cases Plaintiff filed an Application to Proceed in Forma Pauperis. So over $3,000 just in filing fees were paid for the tax payers.

JANUARY 2, 2025 ORDER IN CASE # D-18-575860-D [Defendaht Childs' EXHIBIT D] CLEARLY SETS FORTH MULTIPLE ISSUES PLAINTIFF HAD IN HER CUSTODY CASE

The 40 page Findings of Fact, Conclusions of Law and Order filed in

[1]. With Phil Dace as co-plaintiff

Plaintiff's custody case is on appeal, [Childs' Exhibit D] So, as set forth in Childs' motion, a legal malpractice case is premature.

However, simply reviewing the order evidences that Childs played an insignificant role in Judge Almase's decision. Judge Almase addresses Childs' testimony starting at Bates Page 34, for one and a half pages. This was testimony that Plaintiff invited and requested, and she waived her attorney/client privilege for Childs to testify. On Childs Exhibit D, Bates Pages 43 through 45 Judge Almase set forth Plaintiff's testimony about the March 23, 2023 custody exchange, including noting the contradictory testimony.

The remainder of the 40 page Order discusses other ongoing problems the parents have about school, dental work, and other custody issues.

Childs' testimony on March 19, 2024 was at Plaintiff's request. This is exactly the purpose of litigation privilege, to absolve witnesses of liability. Now Plaintiff's Opposition has attached the controlling emails exchanged after the March 15, 2023 off the record telephone conference conducted by Judge Almase. [Plaintiff's Exhibit F, Bates Pages 56 through 63]

These emails summarize the judge's ruling AND ARE UNDISPUTED. They clearly state what happened, when, who was involved, and why.

Childs' involvement in what happened is minimal and blaming him for multiple ongoing custody issues is absurd. If it was NOT absurd, Judge Almase would have addressed that incident at length, not on 3 pages of a 40 page Order.

ANTI-SLAPP MOTION ELEMENTS WERE MET.

Childs' legal defense Is his testimony was a "good faith communication" in furtherance of the right to petition **or free speech in connection with an issue of public concern**. Custody of children is a hugely important public concern. The burden now shifts to Plaintiff to demonstrate with prima facie evidence a

probability of prevailing on the claim. This framework ensures that only claims with genuine merit proceed to litigation.

Plaintiff has provided no evidence that she can overcome the legal bars each independently, and when considered collectively, require the case being dismissed.

1. ABSOLUTE LITIGATION PRIVILEGE.

This is an absoulte privilege for witnesses at trials.

..."where a judicial proceeding has commenced or is, in good faith, under serious consideration, we determine no need to limit the absolute privilege to communications made by attorneys. See Hall v. Smith, 214 Ariz. 309, 152 P.3d 1192, [redacted] App. 2007) ("The privilege applies to both attorneys and parties to litigation.").

2. RIPENESS. The case isn't ripe until the supreme court ruling

3. INVITED ERROR

Plaintiff requested Childs testify and waived the attorney/client privilege. To testify at her request at trial. [Childs Exhibit D, Bates Page 34] Pearson v. Pearson, 110 Nev. 293, 871 P.2d 343 (1994) defines the elements of invited error.

> the doctrine of "invited error" embodies the principle that a party will not be heard to complain on appeal of errors which he himself induced or provoked the court or the opposite party to commit. It has been held that for the doctrine of invited error to apply it is sufficient that the party who on appeal complains of the error has contributed to it. In most cases application of the doctrine has been based on affirmative conduct inducing the action complained of, but occasionally a failure to act has been ...

CONCLUSION

Importantly, the Anti-SLAPP statute requires dismissal. Plaintiff has not

demonstrates with prima facie evidence a probability of prevailing on the claim.

Litigation privilege applies equally to parties **and witnesses** to the litigation. This dovetails with the invited error analysis. So anybasis for any cause of action based on testimony at trial must be dismissed.

Finally, any malpractice case is not ripe until the appeal is decided.

/s/ Benjamin B. Childs
BENJAMIN B. CHILDS
Nevada Bar # 3946
Attorney for Defendants
BENJAMIN CHILDS
LAW OFFICE OF BENJAMIN B. CHILDS

CERTIFICATE OF SERVICE

This DEFENDANTS BENJAMIN CHILDS AND LAW OFFICE OF BENJAMIN B. CHILDS' REPLY TO OPPOSITION, with Exhibit F, was served through the electronic filing system to Plaintiff and all parties on the Court's eservice list at filing. Electronic service is in lieu of mailing.

/s/ Benjamin B. Childs
BENJAMIN B. CHILDS.ESQ.
NEVADA BAR # 3946

Exhibit	Bates #	Description
A	1 - 7	Court Docket
B	8 - 12	Media Request and Calendar from Ournevadajudges.com
C	13 - 25	10/11/2024 Order Denying Motion for Reconsideration et al
D	26 - 68	1/2/2025 Findings of Fact, Conclusions of Law and Orders
E	69 - 72	4/24/2025 Notice of Appeal
F	73 - 77	Plaintiff Name Search in Clark County Courts

EXHIBIT F

EXHIBIT F

District Court Name Search

Party Search Results

Name	Date of Birth
Dace, Luba	XX/XX/XXXX

Current Address: [redacted]

Cases (1)

Cases

A-23-876878-C
Luba Dace, Plaintiff(s) vs. Capital One, Defendant(s)

File Date
08/30/2023

Name	Date of Birth
Dace, Luba	XX/XX/XXXX

Current Address: [redacted]

Cases (1)

Cases

A-23-876882-C
Luba Dace, Plaintiff(s) vs. RC Willey, Defendant(s)

File Date
08/30/2023

Name	Date of Birth
Dace, Luba	XX/XX/XXXX

Current Address: [redacted]

Cases (1)

Cases

A-23-876885-C
Luba Dace, Plaintiff(s) vs. TD Bank Target, Defendant(s)

File Date
08/30/2023

Name	Date of Birth
Dace, Luba	XX/XX/XXXX

Name	Date of Birth

Current Address:
[redacted]

Cases (1)

Cases

A-23-876887-C
Luba Dace, Plaintiff(s) vs. Wells Fargo, Defendant(s)

File Date
08/30/2023

Dace, Luba

Current Address:
[redacted]

Cases (1)

Cases

A-23-878636-W
Luba Dace, Plaintiff(s) vs. Credit One, Defendant(s)

File Date
09/28/2023

DACE, LUBA

Current Address:
[redacted]

Cases (1)

Cases

A-24-886006-C
LUBA DACE, Plaintiff(s) vs. CITIBANK, Defendant(s)

File Date
01/29/2024

Dace, Luba

Cases (1)

Cases

A-24-886132-C
Luba Dace, Plaintiff(s) vs. DISCOVER INC, Defendant(s)

File Date
01/30/2024

Dace, Luba

Current Address:
[redacted]

Cases (1)

Cases

Name	Date of Birth

A-25-922833-C
Luba Dace, Plaintiff(s) vs. Melvin Grimes, Defendant(s)

File Date
07/09/2025

Dace, Luba	XX/XX/XXXX

Current Address:
[redacted]

Cases (1)

Cases

D-18-575860-D
Luba Dace, Plaintiff vs. Enrique Ivan Velazquez-Gonzalez, Defendant.

File Date
08/20/2018

Dace, Luba S

Current Address:
[redacted]

Cases (1)

Cases

A-23-877979-C
Luba Dace, Plaintiff(s) vs. JP Morgan Chase, Defendant(s)

File Date
09/18/2023

1 - 10 of 12 items

JUSTICE COURT NAME SEARCH

Civil Case Records Search Results

Record Count: 3
Search By: Party **Party Search Mode:** Name **Last Name:** dace **First Name:** luba **All** All **Sort By:** Filed Date

Case Number	Style	Filed/Location	Type/Status
24C026048	CITIBANK, N.A., Plaintiff(s) vs. Luba Snow, NKA Luba Dace, Defendant(s)	09/16/2024 JC Department 1	Civil - Credit Card Collection Closed
25C011288	Luba Dace, Plaintiff(s) vs. Louis Schneider, Law Offices Of Louis Schneider, Defendant(s)	04/15/2025 JC Department 1	Civil - Other Civil Matter Open
25C013474	Luba Dace, Plaintiff(s) vs. EXPERIAN, Defendant(s)	05/08/2025 JC Department 1	Civil - Other Civil Matter Open