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Attorneys for Defendants Melvin Grimes and the Roberts Stoffel Family Law Group

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON THE GRIMES DEFENDANTS' SPECIAL MOTION TO DISMISS UNDER NRS 41.660

Melvin Grimes and Roberts Stoffel Family Law Group's Special Motion to Dismiss Plaintiff's Complaint under NRS 41.660 (Anti-SLAPP) having been heard on September 23, 2025 and Plaintiff Luba Dace appearing in proper person and Angela Ochoa, Esq. appearing on behalf of Melvin Grimes and Robert Stoffel Family Law Group (collectively "Grimes Defendants") being present, the Court having heard oral argument, reviewed the pleadings on file, and for good cause showing, finds and holds as follows:

FINDINGS OF FACT

1. On July 9, 2025, Plaintiff Luba Dace ("Plaintiff") filed her Complaint, commencing this instant action.

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Statistically closed: USJR - CV - Summary Judgment (USSUJ)

2. On August 3, 2025, Plaintiff filed her Third Amended Complaint asserting that: (1) Plaintiff is a party to a divorce action entitled *Gonzalez v. Gonzalez*, filed in the Eighth Judicial District Court, for the State of Nevada, and assigned Case Number D-18-575860-D ("Divorce Case"); (2) Melvin Grimes who works for the Roberts Stoffel Family Law Group represents Plaintiff's ex-husband; (3) Plaintiff alleges that Defendants took part in ex-parte communications with Department P in and around December 2021; (4) Plaintiff alleges that Grimes Defendants made inappropriate argument or questioning of witnesses and lied about a stipulation between the parties at a March 2024 and October 2024 hearing.

3. On August 15, 2025, Plaintiff filed her Motion for Leave to file a Fourth Amended Complaint and attached a proposed fourth amended complaint as an exhibit to the same. The factual allegations against the Grimes Defendants were the same as that pled in the Third Amended Complaint. Plaintiff proposed amendment by asserting a sole cause of action for abuse of process against Grimes Defendants by way of her proposed Fourth Amended Complaint. *See also,* Plaintiff's Cosolidated Notice of Clarification Regarding Claims against Defendants Childs and Grimes filed on August 30, 2025.

4. Plaintiff does not dispute that the facts in her Third Amended Complaint and proposed Fourth Amended Complaint arise out of her Divorce Case. Plaintiff does not dispute that the crux of her argument about misrepresentations or inappropriate argument at a March 2024 hearing resulted in a January 2, 2025, Findings of Fact and Conclusions of Law and Order (Post-Judgment), issued by Family Court Judge Almase that she disagrees with, has filed a Motion for Reconsideration on and has appealed. That appeal remains pending.

5. Grimes Defendants seek dismissal pursuant to NRS 41.660, as the Plaintiff's complained of actions arise out of Melvin Grimes's good faith communications falling under NRS 41.637(3).

6. If any of these findings of fact should more properly be identified as a

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conclusion of law, then it shall be deemed a conclusion of law.

CONCLUSIONS OF LAW

1. In analyzing the special motion to dismiss, the Court must first "[d]etermine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern." Nev. Rev. Stat. § 41.660(3)(a); *see also Coker*, 432 P.3d at 749. There are four categories of speech which constitute "good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" under Nev. Rev. Stat. § 41.637:

> 1. Communication that is aimed at procuring any governmental or electoral action, result or outcome;
> 2. Communication of information or a complaint to a Legislator, officer or employee of the Federal Government, this state or a political subdivision of this state, regarding a matter reasonably of concern to the respective governmental entity;
> 3. Written or oral statement made in direct connection with an issue under consideration by a legislative, executive or judicial body, or any other official proceeding authorized by law; or
> 4. Communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood.

2. The Court may consider evidence in deciding a special motion to dismiss. NRS 41.660(3)(d). If the moving party meets this burden to show a "good faith communication," the court must then "determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim." Nev. Rev. Stat. § 41.660(3)(b); *see also Delucchi v. Songer*, 396 P.3d 826 (Nev., 2017).

3. The Court finds that the Third Amended Complaint and proposed Fourth Amended Complaint on its face appears to be seeking to quell the speech of the Grimes Defendants in a case pending before a judicial body and that the allegations largely attacks the anciallary decision(s) of that judicial body (Judge Almase).

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4. The Court finds that Melvin Grimes's Declaration that at all times relevant he made statements he believed to be true or without knowledge of their falsity, satisfies the first prong of the anti-SLAPP analysis.

5. The Court finds that the Grimes Defendants have met their burden to demonstrate a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue under consideration of a judicial body.

6. The Court finds that Plaintiff has not established by a preponderance that she is likely to prevail against the Grimes Defendants because the allegations concerning the December 2021 ex-parte communications are either barred by the applicable statute of limitations, barred by the double recovery doctrine or barred under issue preclusion as Plaintiff was already awarded damages from the Bankruptcy Court. Moreover, the claims concerning the Grimes Defendants lied about a stipulation and/or argued about the applicability of NRS 200.359 at the child modification hearings were subject to cross- examination and subject to the court's evaluation, such that Judge Almase's decision (to which Plaintiff complains about) will not be disturbed by this Court.

7. The Court finds that the absolute litigation privilege is broad and protects the speech that Plaintiff complains about.

8. In relation to Plaintiff's Objection and request to strike portions of the Reply, the Court finds that rules cited by Plaintiff are not applicable, Grimes Defendants' Reply in Support of their Motion to Dismiss addresses Plaintiff's Opposition and thus overrules the same.

9. The Court finds that Plaintiff has failed to show that discovery solely is in the possession of another party and is necessary to meet or oppose the anti-SLAPP motion.

10. For all of these reasons, the Court GRANTS Grimes Defendants' Special Motion to Dismiss in its entirety and dismisses Plaintiff's Complaint as against Melvin

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Grimes and Roberts Stoffel Family Law Group with prejudice. Dismissal under this section operates as dismissal on the merits. Nev. Rev. Stat. § 41.660(5).

11. Further, if the court grants a special motion filed pursuant to NRS 41.660, the court must award reasonable costs and attorney's fees and may award an additional amount up to $10,000 to the person against whom the action was brought. Nev. Rev. Stat. § 41.670.

12. Grimes Defendants shall file their Motion for Attorney's Fees and Other Relief within 21 days of entry of this Order.

13. If any of these conclusions of law should more properly be identified as a findings of fact, then it shall be deemed a finding of fact.

ORDER

Based on the foregoing, Melvin Grimes and Roberts Stoffel Family Law Group's Anti-SLAPP Motion is **GRANTED**, and all of Plaintiff's claims and proposed claims against Melvin Grimes and Roberts Stoffel Family Law Group are dismissed with prejudice; and

Melvin Grimes and Roberts Stoffel Family Law Group shall have up to 21 days of entry of this Order to file their Motion for Attorney's Fees and Other Relief.

IT IS SO ORDERED.

Dated this 29th day of September, 2025

CA8 CF5 F2B7 A74F
Jacob A. Reynolds
District Court Judge

Submitted by:

GARIN LAW GROUP

/s/ Angela Ochoa
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 663
ANGELA N. OCHOA, ESQ.
Nevada Bar No. 10164

[redacted]

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Approved as to form and content:

Refused to sign subject to Competing Orders

[redacted]
Las Vegas NV, 89178
[redacted]

Pro Per Plaintiff

GARIN LAW GROUP [redacted]

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Luba Dace, Plaintiff(s)	CASE NO: A-25-922833-C
vs.	DEPT. NO. Department 29
Melvin Grimes, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 9/29/2025

[redacted]

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 9/30/2025

[redacted]
Las Vegas, NV, 89101