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[redacted]

Attorneys for Defendants
Melvin Grimes and Law Offices of Roberts Stoffel

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 **DEFENDANTS' OPPOSITION TO THE MOTION TO CONSTRUE PLAINTIFF'S OCTOBER 22, 2025 OPPOSITION AS A MOTION TO RETAX COSTS AND FOR RELATED RELIEF** **Date of Hearing: December 4, 2025** **Time of Hearing: 9:00 a.m.**

[redacted] GARIN LAW GROUP

Defendants MELVIN GRIMES and LAW OFFICE OF ROBERTS STOFFEL (collectively "Defendants") by and through their counsel of record at Garin Law Group hereby submit their Opposition to the Motion to Construe Plaintiff's October 22, 2025 Opposition as a Motion to Retax Costs and for Related Relief.

MEMORANDUM OF POINTS AND AUTHORITIES

It is unclear what Plaintiff hopes to accomplish by filing the instant Motion to Construe Plaintiff's October 22, 2025 Opposition as a Motion to Retax. Plaintiff provides no cogent explanation for the need to file a Motion to Retax, the basis to file any such pleading called a "Motion to Construe," and any new argument or case law to

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supplement the pleadings on file. As best as the undersigned can tell, Plaintiff is simply attempting to file another motion to ostensibly stretch out the time for a hearing to and the time for an appeal. This court has remedied the same with holding the hearing on the same day as the Motion for Fees. This instant motion is just another example of Plaintiff's frivolous and bad faith litigation tactics that support Defendants' request for attorney's fees.

I. LEGAL ARGUMENT

A. Plaintiff's Motion to Retax is Untimely.

NRS 18.110 allows for a party to file a Motion to Retax but a motion to retax must be filed within 3 days of the filing of a Memorandum of Costs. In this case, Plaintiff did not file a motion to retax and the Opposition that she seeks to be deemed a "motion to retax" was not filed until 21 days after Defendants' Memorandum of Costs. In short, Plaintiff's request for relief is nonsensical. Plaintiff has failed to timely oppose the Memorandum of Costs, and even if this Court were to consider her request to construe the October 22, 2025, Opposition as a Motion to Retax, there is nothing for Plaintiff to oppose. Every cost sought was a filing or service fee that is public record, supported by the record and the memo of costs and caused by Plaintiff's initiation of the action against Defendants.

B. Plaintiff has nothing to Oppose.

Costs are sought as Defendants are the prevailing party in this instant action, and nothing within Plaintiff's Motion to Construe prevents Defendants from recovering all of its costs sought by way of their Memorandum of Costs. Each and every one of the costs sought is supported by statute, specifically NRS 18.005(1) allowing for "Clerk's fees." Plaintiff cites to the case *Gibellini v. Klindt,* 110 Nev. 1201 (1994) but nothing within that case prevents Defendants from recovering the entirety of their fees sought.

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C. This Court should Sanction Plaintiff for Continuously Filing Frivolous Motions that Have no Merit and for Citing Law Which She Fails to Read.

Plaintiff cites to NRS 18.110 and *Gibellini v. Klindt,* 110 Nev. 1201 (1994) but clearly has not read either. This Court should canvas Plaintiff to ascertain whether she has had a person ghost write her pleadings or if she is using artificial intelligence without checking her sources. This is not the first time Plaintiff has cited to case law that has nothing to do with the contentions asserted. In this particular motion, although NRS 18.110 is very clear on when a Motion to Retax must be filed, Plaintiff states the dates each pleading was filed correctly yet still asserts that the Plaintiff's Opposition was timely filed "as contemplated by NRS 18.110." Motion, P. 6, Ll. 9-11.

II. CONCLUSION

Had Plaintiff read the case law provided to her by her ghost writer or whatever artificial intelligence program she uses, she would realize that her motion is nonsensical and lacks any legal merit. Given the frivolousness of Plaintiff's instant motion, the Court should deny Plaintiff's Motion and consider sanctions to deter Plaintiff's vexatious and harassing litigation activities, including but not limited to awarding Defendants $10,000 under the anti-SLAPP statute.

DATED this 1st day of December, 2025.

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By: */s/ Angela Ochoa*
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Attorneys for Defendants Melvin Grimes and Law Offices of Roberts Stoffel

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2025, I served of the foregoing **DEFENDANTS' OPPOSITION TO THE MOTION TO CONSTRUE PLAINTIFF'S OCTOBER 22, 2025 OPPOSITION AS A MOTION TO RETAX COSTS AND FOR RELATED RELIEF** was made pursuant to NRCP 5(b) to the following parties utilizing the Court's E-File/ServeNV System:

Luba Dace [redacted] Las Vegas NV, 89178	Benjamin B. Childs, Sr., Esq. [redacted] BENJAMIN B. CHILDS, LTD. [redacted] Attorney for Defendants Benjamin Childs and Law Office of Benjamin B. Childs

/s/ Juan Cerezo
An Employee of GARIN LAW GROUP

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