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ORDR

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JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
ANGELA N. OCHOA, ESQ.
Nevada Bar No. 10164
[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

ORDER DENYING RECONSIDERATION

This matter having come on for Plaintiff's Motion for Reconsideration filed October 10, 2025, and the Court having reviewed the briefing on the Motion for Reconsideration, the pleadings on file, finds and holds as follows:

1. On September 29, 2025, the Findings of Fact, Conclusions of Law and Order ("FFCL") granting the Grimes Defendants' Special Motion to Dismiss was entered.
2. Plaintiff, seeks reconsideration of the FFCL.
3. The Court finds that the Motion fails to meet any of the limited and exceptional circumstances under which reconsideration is appropriate under Nevada law.

Specifically, Plaintiff does not demonstrate that the Court's order was clearly erroneous, that substantially different evidence has emerged since the ruling, or that any new and compelling issue of fact or law justifies reversing the Court's decision. *Masonry and Tile Contractors v. Jolly Urga & Wirth*, 113 Nev. 737, 741 (1997); *see also*, *Mustafa v. Clark County School District*, 157 F.3d 1169, 1178-79 (9th Cir., 1998).

4. The Court finds that Plaintiff's argument that the FFCL is invalid because the Court did not orally announce its findings on the record, is not supported by Nevada law. See *Eivazi v. Eivazi*, 139 Nev., Adv. op. 44, 537 P.3d 476, 484 (Ct. App. 2023), and see *Xinxing Wang v. Cim Grp., L.P.*, 2024 Nev. Unpub. LEXIS 653, *6-7 ("*Wang*"). Additionally, Court Rules also support this position. *See* EDCR 1.90(a)(4) (stating "the prevailing party shall submit a written order to the judge"); and EDCR 7.21 (requiring the prevailing party to provide the court with a draft order or judgment). Additionally, EDCR 2.23(c) states that a district court "may consider the motion on its merits at anytime with or without oral argument, and grant or deny it." The Court is not constrained to make oral findings. As indicated in EDCR 2.23(c) the Court can review a Motion outside of and without a hearing, grant or deny it, and then issue a minute order directing a proposed order pursuant to EDCR 1.90(a)(4).

5. Plaintiff challenges the use of a declaration in the FFCL's Prong One determination citing to *Coker v. Sassone,* 432 P.3d at 749. However, in *Coker*, the issue was not reliance on the declaration, but on the contents of the declaration. Specifically, the declaration in *Coker* was deficient because it did not state that when Coker made the statements, he believed them to be true or stated them without knowledge of their falsity. *Coker v. Sassone*, 135 Nev. 8, 12-13.

6. Plaintiff also attacks the Prong One analysis by arguing that custody issues are not matters of public concern. In *Falconi v. Eighth Jud. Dist. Ct.*, 543 P.3d 92, 96

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(2024), the Nevada Supreme Court has found that there is a constitutional right of access to family court proceedings and similar to other civil proceedings they are presumptively open.

7. Plaintiff argues the analysis of Prong Two is deficient because the issues of: statute of limitations, issue preclusion, double recovery, and litigation privilege are defenses that cannot be substituted for a prima facie analysis under Prong Two. However, Prong Two is Plaintiff's burden to demonstrate with prima facie evidence of a probability of prevailing on her claims. Thus, demonstration of obvious defenses impact the probability of prevailing and are part of the appropriate review the Court needs to undertake in Prong Two. The remainder of Plaintiff's attack on Prong Two is just rehashing arguments already decided by the court that do not amount to clear error. Plaintiff does not assert she is seeking reconsideration for any other reason, and there are no new facts or law presented.

8. Plaintiff seeks reconsideration of the FFCL for dismissing the claims with prejudice. Nevada's Anti-SLAPP statute states that a dismissal pursuant to a special motion to dismiss under the statute operates as an adjudication upon the merits. Nev. Rev. Stat. § 41.660(5). Generally, Nevada courts dismiss actions with prejudice when granting Anti-SLAPP motions. *See Crowley v. Thyssen*, 122 Nev. 998, 998 (2017) ("Nevada's anti-SLAPP laws provide for a 'special motion to dismiss' that the defendant can file within a short time of receiving the complaint to request the court to dismiss the suit with prejudice); *Las Vegas Resort Holdings, LLC v. Roeben*, 137 Nev. 932, 932, 481 P.3d 874 (Table) (2021) (reviewing district order granting special motion to dismiss that dismissed all claims with prejudice). Conversely, the Nevada Supreme Court has held that a dismissal without prejudice "is not a final adjudication on the merits." *Tr. of Hotel and Rest. Emps. and Bartenders Intern. v. Royco, Inc.*, 101 Nev. 96, 98, 692 P.2d 1308, 1309 (1985).

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ORDER

Based on the foregoing, the Court hereby **ORDERS** that Defendant's Motion for Reconsideration is **DENIED.**

IT IS SO ORDERED.

Dated this 11th day of December, 2025

016 912 EC42 8E4B
Jacob A. Reynolds
District Court Judge

Submitted by:

GARIN LAW GROUP

/s/ Angela Ochoa
ANGELA N. OCHOA, ESQ.
Nevada Bar No. 10164
[redacted]

Attorneys for Defendants

Approved as to form and content:

Did not respond
[redacted]

Pro Per Plaintiff

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)	

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