

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
OCTOBER 07, 2026
8:30 a.m.

1. ALLISON STEINMETZ V. JOHN STEINMETZ

24FL1038

This matter is before the court for hearing of the Petitioner's Request for Order (RFO) filed August 07, 2026, to appoint the court clerk as elisor to sign the interspousal transfer deed for the real property located at 2854 Blitzen Road in South Lake Tahoe, California (the "Blitzen Property").¹ Proof of service filed August 19, 2026, shows the RFO was personally served upon Respondent on August 15, 2026.

A hearing on this matter was originally set for September 23, 2026. On September 15, 2026, Respondent filed a request to continue, which the court granted.

On October 02, 2026, the court denied Respondent's request to continue the hearing. To date, Respondent has filed no Responsive Declaration.

Absent objection, the court grants the RFO as requested.

TENTATIVE RULING #1: PETITIONER'S RFO IS GRANTED AS REQUESTED. THE COURT HEREBY APPOINTS THE CLERK OF THE COURT, OR HER DESIGNEE, AS AN ELISOR TO SIGN THE INTERSPOUSAL TRANSFER DEED FOR THE BLITZEN PROPERTY.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07.

¹ As part of the parties' Martial Settlement Agreement attached to the judgment of dissolution entered March 17, 2026, Respondent agreed to "diligently and promptly sign any documents necessary to effectuate the transfer of" the Blitzen Property.

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2. AMBER COLLINS V. MITCHELL BURKHART

25FL0568

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on September 30, 2026, to modify visitation. The RFO also included a request for order shortening time, which the court granted. The court ordered Petitioner to serve the RFO upon Respondent no later than October 01, 2026, and ordered Respondent to file and serve a Responsive Declaration no later than October 05, 2026.

Proof of service filed September 30, 2026, shows that the RFO was personally served upon Respondent that same day.

To date, Respondent has filed no Responsive Declaration.

Absent objection, the RFO is granted as requested.

TENTATIVE RULING #2: THE RFO IS GRANTED. RESPONDENT MAY HAVE PEACEFUL CONTACT WITH THE PARTIES' MINOR CHILD, LG (AGE 5).

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07.

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3. BETH LEE V. VINCENT LEE

SFL20210126

This matter is before the court for a five-year dismissal hearing pursuant to Code of Civil Procedure section 583.310, which provides, “[a]n action shall be brought to trial within five years after the action is commenced against the defendant.” (Code Civ. Proc., § 583.310.) The action was filed on September 27, 2021.

Notice of this five-year dismissal hearing was provided to Petitioner at the time of filing the petition for dissolution. (See, Notice of 1st Status Conference, filed Sep. 27, 2021.) However, said notice indicated that the hearing would be held in Department Four of the court, not Department 12, where it is now being held. Therefore, the court, on its own motion and in the interest of justice, continues the hearing to November 18, 2026, in Department 12 and directs the court clerk to serve notice of the same upon the parties via mail at their respective addresses on file with the court.

TENTATIVE RULING #3: THE COURT, ON ITS OWN MOTION AND IN THE INTEREST OF JUSTICE, HEREBY CONTINUES THE MATTER TO 8:30 A.M., WEDNESDAY, NOVEMBER 18, 2026, IN DEPARTMENT 12 AND DIRECTS THE COURT CLERK TO SERVE NOTICE OF THE SAME UPON THE PARTIES AT THEIR RESPECTIVE ADDRESSES ON FILE WITH THE COURT.

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4. FORREST BROWN V. TIFFANY SMITH

SFL20130092

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on August 31, 2026, to modify custody and visitation of the parties' child, KB (age 14). Respondent seeks "sole custody" of KB but does not assert any position on Petitioner's visitation (i.e., no visitation, supervised visitation, unsupervised visitation). The filing of Respondent's RFO did not prompt the court to refer the parties to CCRC, as the last CCRC report was issued on May 29, 2026. (Local Ct. R. 8.10.01 (providing that no CCRC date shall be set if a CCRC report has been issued within the past six months).)

Proof of service filed September 21, 2026, shows the RFO was timely served upon Petitioner via mail on September 09, 2026.² (Code Civ. Proc., § 1005, subd. (b).)

To date, Petitioner has filed no Responsive Declaration.

Appearances are required at 8:30 a.m., Wednesday, October 07, 2026, in Department 12, at which time, the court will ask Respondent to clarify her position regarding Petitioner's visitation.

**TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, OCTOBER 07, 2026, IN DEPARTMENT 12, AT WHICH TIME, THE COURT
WILL ASK RESPONDENT TO CLARIFY HER POSITION REGARDING PETITIONER'S
VISITATION OF THE PARTIES' CHILD.**

² The deadline for serving notice of the instant RFO via mail was September 10, 2026 (16 court days, extended by five calendar days for mail service). (Code Civ. Proc., § 1005, subd. (b).)

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5. JODIE ANGELIS V. NICHOLAS ANGELIS

26FL0603

This matter is before the court for hearing of the Petitioner's Request for Order (RFO) filed June 26, 2026, to set custody and visitation for the parties' two minor children, AA (age 14) and LA (age 8). The filing of the RFO prompted the court to refer the parties to a CCRC session set for August 24, 2026.

The Proof of Service of Summons filed August 18, 2026, shows that the RFO and CCRC referral were both personally served upon Respondent on July 07, 2026.

On August 24, 2026, the CCRC counsellor issued a "One-Parent" report indicating that Petitioner failed to appear for the CCRC session as scheduled (the report indicates Petitioner was over 15 minutes late due technical difficulties appearing remotely).

On September 21, 2026, pursuant stipulation of the parties, the court re-referred the parties to a CCRC session set for November 23, 2026, and set a return hearing date of January 13, 2027. The parties' stipulation expressly left the instant hearing on calendar, presumably because either one or both of the parties wishes for the court to enter an interim custody and visitation order pending the January 2027 hearing.

On September 23, 2026, Respondent filed a timely Responsive Declaration (Judicial Council form FL-320), as well as a declaration from Respondent in opposition to the RFO, copies of which were both electronically served upon Petitioner on September 24, 2026, per the proof of service filed that date.

On September 30, 2026, Petitioner filed a timely reply declaration, a copy of which was electronically served upon Respondent that same day per the proof of service, also filed September 30, 2026.

Having read and considered the above-referenced filings, the court's tentative ruling is to impose the following custody and visitation schedule pending the January 13, 2027, hearing. Petitioner shall have temporary sole physical custody of the children. Respondent shall have visitation on alternate weekends beginning Thursdays when school ends and ending Mondays when school begins (or 8:00 a.m. if there is no school). Respondent shall also have visitation every Tuesday from 3:00 p.m. to 8:00 p.m. and such other times as agreed upon by the parties. Each day, the non-custodial parent for that day shall have the right to a telephone or video call with the children at 8:00 p.m., or at such other time to be determined by the parties based on the needs of the children (e.g., bedtime). Due to the alleged relationship issues between Respondent and AA, AA shall have the option to opt out of any overnight portion of Respondent's visitation time (8:00 p.m. to 8:00 a.m.). For any night that AA opts out, Petitioner shall be responsible for picking AA up from Respondent's residence at 8:00 p.m. and transporting AA to school the next day (or transporting AA to Respondent's residence by 8:00 a.m. if there is no school).

TENTATIVE RULING #5: PENDING THE HEARING SET FOR JANUARY 13, 2027, THE COURT ORDERS THE FOLLOWING CUSTODY AND VISITATION SCHEDULE. PETITIONER SHALL HAVE TEMPORARY SOLE PHYSICAL CUSTODY OF THE CHILDREN.

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RESPONDENT SHALL HAVE VISITATION ON ALTERNATE WEEKENDS BEGINNING THURSDAYS WHEN SCHOOL ENDS AND ENDING MONDAYS WHEN SCHOOL BEGINS (OR 8:00 A.M. IF THERE IS NO SCHOOL). RESPONDENT SHALL ALSO HAVE VISITATION EVERY TUESDAY FROM 3:00 P.M. TO 8:00 P.M. AND SUCH OTHER TIMES AS AGREED UPON BY THE PARTIES. EACH DAY, THE NON-CUSTODIAL PARENT FOR THAT DAY SHALL HAVE THE RIGHT TO A TELEPHONE OR VIDEO CALL WITH THE CHILDREN AT 8:00 P.M., OR AT SUCH OTHER TIME TO BE DETERMINED BY THE PARTIES BASED ON THE NEEDS OF THE CHILDREN (E.G., BEDTIME). DUE TO THE ALLEGED RELATIONSHIP ISSUES BETWEEN RESPONDENT AND AA, AA SHALL HAVE THE OPTION TO OPT OUT OF ANY OVERNIGHT PORTION OF RESPONDENT'S VISITATION TIME (8:00 P.M. TO 8:00 A.M.). FOR ANY NIGHT THAT AA OPTS OUT, PETITIONER SHALL BE RESPONSIBLE FOR PICKING AA UP FROM RESPONDENT'S RESIDENCE AT 8:00 P.M. AND TRANSPORTING AA TO SCHOOL THE NEXT DAY (OR TRANSPORTING AA TO RESPONDENT'S RESIDENCE BY 8:00 A.M. IF THERE IS NO SCHOOL).

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07.

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6. JULIANA KIRKLAND V. ANDREW KIRKLAND

SFL20180046

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on May 26, 2026, to modify custody and visitation for the parties' minor children, SK (age 14) and IK (age 10). Specifically, the Respondent requests a move-away order authorizing the children to relocate to West Virginia, where Respondent currently resides.³ The filing of the RFO prompted the court to refer the parties to a CCRC session set for July 06, 2026. Proof of service filed June 10, 2026, shows the RFO and supporting papers were personally served upon Petitioner on June 05, 2026.

On July 06, 2026, the CCRC counsellor issued a "One Parent" report, indicating that the Respondent failed to appear at the CCRC session as scheduled. On July 08, 2026, pursuant to the stipulation of the parties, the court re-referred the parties to a CCRC session set for August 27, 2026.

On July 21, 2026, Petitioner filed a timely Responsive Declaration, a copy of which was served upon Respondent via mail on July 18, 2026, per the proof of service filed July 21, 2026.

The court is in receipt of a CCRC report issued September 04, 2026, a copy of which was mailed to both parties that same day per the Clerk's Certificate of Mailing, also filed September 04, 2026.

On September 24, 2026, Respondent filed a Reply Declaration, a copy of which was served upon Petitioner that same day via mail per the proof of service, also filed September 24, 2026.

At the outset, the court notes it would not be inclined to grant the requested move-away until at least Summer 2027. The children are over a month into the 2026/2027 school year. Having read and considered the CCRC report, the court also questions how keen the children are to move to West Virginia. It is clear that SK wishes to advance his competitive basketball skills but it appears that transfer to South Tahoe High School (not West Virginia) may address that desire.

Respondent requests a custody evaluation pursuant to Family Code section 3110. While the court is generally willing to grant a custody evaluation, to date, Respondent has not submitted proposed evaluator information or proposed cost allocation.

The court has additional questions for the parties, including but not limited to: (1) what are the parties' positions regarding a potential transfer of AA to South Lake Tahoe High School in the future; and (2) what is the status of the children's relationship with the kids of Petitioner's ex-boyfriend (Justin).

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³ Respondent's request for a move-away order will require the court to conduct an evidentiary hearing regarding the *LaMusga* move-away factors if requested by either party. (See, Fam. Code, § 3011; *In re Marriage of LaMusga* (2004) 32 Cal.4th 1072.)

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Appearances are required to address the issues identified herein and inquire whether the parties wish to set an evidentiary hearing regarding the *LaMusga* factors. At the hearing, the court intends to re-order the parties to participate in co-parenting counseling, as previously ordered by the court and again recommended by the CCRC counsellor in the CCRC report dated September 04, 2026.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, OCTOBER 07, 2026, IN DEPARTMENT 12 TO ADDRESS THE ISSUES IDENTIFIED IN THIS TENTATIVE RULING AND INQUIRE WHETHER THE PARTIES WISH TO SET AN EVIDENTIARY HEARING REGARDING THE *LAMUSGA* FACTORS. AT THE HEARING, THE COURT INTENDS TO RE-ORDER THE PARTIES TO PARTICIPATE IN CO-PARENTING COUNSELING.