

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 02, 2026
8:30 a.m.

1. BRANDON CASKEY V. DAWN CASKEY

26FL0706

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on August 13, 2026, to: (1) set aside orders for custody and visitation in the court's July 14, 2026, temporary restraining order (TRO) issued in Case Number 26FL0537; (2) modify child custody and visitation; (3) modify spousal support and child support; (4) issue order authorizing immediate sale of the marital residence; and (5) award attorney fees and costs. The RFO also includes a request for temporary emergency orders, which the court denied.

As an initial matter, there are two related cases currently pending: (1) the instant case, 26FL0706, which is a petition for dissolution; and (2) Case Number 26FL0537,¹ which is a domestic violence restraining order case. To date, there has been no request submitted by either party to consolidate the cases. The court, on its own motion and in the interest of judicial economy, hereby consolidates the cases and designates the instant case (26FL0706) as the lead case. All future filings for both cases shall be filed in the lead case only.² For hearings currently set under Case Number 26FL0537, the court intends to transfer such hearings under the lead case number, 26FL0706.

Presently, there is a hearing set in Case Number 26FL0537 for September 02, 2026, at 1:30 p.m. on Petitioner's RFO filed August 13, 2026. The court, on its own motion and in the interest of judicial economy, continues the hearing in the instant case (26FL0706) to 1:30 p.m., September 2, 2026, to be heard concurrently with Petitioner's RFO filed August 13, 2026.

Lastly, the court notes that an evidentiary hearing is set under Case Number 26FL0537 for October 22, 2026. The court intends to advance that hearing to October 08, 2026, at 8:30 a.m. if parties and counsel are available.

The court does not intend to modify the existing TRO except as needed to ensure Mr. is getting visits with the parties' child per the court order pending the hearing.

TENTATIVE RULING #1: THE COURT ON ITS OWN MOTION AND IN THE INTEREST OF JUDICIAL ECONOMY HEREBY CONSOLIDATES THE INSTANT CASE (26FL0706) WITH CASE NUMBER 26FL0537 AND DESIGNATES 26FL0706 AS THE LEAD CASE. ADDITIONALLY, THE COURT, ON ITS OWN MOTION AND IN THE INTEREST OF JUDICIAL ECONOMY, CONTINUES THE INSTANT HEARING TO 1:30 P.M., WEDNESDAY, SEPTEMBER 02, 2026, TO BE HEARD CONCURRENTLY WITH PETITIONER'S RFO FILED AUGUST 13, 2026.

¹ Dawn Caskey initiated Case Number 26FL0537. Accordingly, in that case, she has been referred to as the Petitioner; and Brandon Caskey has been referred to as the Respondent.

² Having consolidated the cases, the court will here on out refer to Brandon Caskey as the Petitioner and Dawn Caskey as the Respondent, even for filings related to the domestic violence restraining order.

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2. ERNESTO MAZAR KINDELAN V. KARI GILSON

24FL0826

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on August 10, 2026, requesting the court to: (1) reconsider its order issued August 05, 2026,³ wherein the court adopted the agreement and recommendations of the CCRC report dated July 22, 2026, as the orders of the court; and (2) modify visitation. On August 07, 2026, in connection with the RFO, Respondent filed an ex parte application for an order shortening time. On August 10, 2026, the court granted the request to shorten time, ordering Respondent to serve her RFO on or before August 17, 2026; and ordering Petitioner to file and serve a Responsive Declaration on or before August 24, 2026.

Proof of service filed August 17, 2026,⁴ shows the RFO was electronically served upon Petitioner on August 16, 2026.

On August 17, 2026, Petitioner filed a request to reschedule the instant hearing. The court denied Petitioner's request.

On August 25, 2026, Petitioner filed an untimely Responsive Declaration, a copy of which was electronically served upon Respondent that same day per the proof of service, also filed August 25, 2026.⁵ Despite its untimeliness, the court exercises its discretion to consider Petitioner's Responsive Declaration.

The court denies Respondent's motion for reconsideration because the RFO does not present any new facts, law, or circumstances, as required under Code of Civil Procedure section 1008. The court's denial of Respondent's request for oral argument on August 05, 2026, is not a sufficient basis for reconsideration under Code of Civil Procedure section 1008.

Turning to the issue of visitation, Respondent indicates she has secured a full-time teaching job. She requests that the exchange times are adjusted as follows: (1) on Fridays, Respondent requests to have the exchange take place at 6:00 p.m. instead of 5:15 p.m.; and (2) on Sundays, Respondent requests to have the exchange take place at 3:00 p.m. instead of 5:15 p.m.

³ On August 04, 2026, the court issued a tentative ruling. Respondent submitted an oral argument request. However, at the August 05 hearing, Petitioner objected on the grounds that the oral argument request was not properly served upon him under Local Court Rule 8.05.07. The court sustained Petitioner's objection and denied Respondent's request for oral argument.

⁴ Respondent filed two separate proofs of service on August 17, 2026. The first proof of service shows proof of service of the RFO (apparently without attachments) by mail. The second proof of service shows electronic service of the RFO with attachments on August 16, 2026.

⁵ The Responsive Declaration includes a total of 96 pages, including attachments and exhibits.

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Petitioner does not object to the proposed Friday exchange time but requests that Sunday exchanges also take place at 6:00 p.m.

The court grants Respondent's request in part. Friday and Sunday exchanges shall both take place at 6:00 p.m., in part, because it will help ensure continuity. In every other respect, the existing orders shall remain in full force and effect.

TENTATIVE RULING #2: RESPONDENT'S RFO IS GRANTED IN PART AND DENIED IN PART. THE COURT DENIES RESPONDENT'S REQUEST FOR RECONSIDERATION. THE COURT ORDERS THAT BOTH FRIDAY AND SUNDAY EXCHANGES SHALL OCCUR AT 6:00 P.M. IN EVERY OTHER RESPECT, THE EXISTING ORDERS SHALL REMAIN IN FULL FORCE AND EFFECT.

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. SANDRA GAIL WIRTH V. ROBERT JON WIRTH

SFL20160123

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on August 11, 2026,⁶ to compel Respondent's further discovery responses. Also on August 11, 2026, the court granted Petitioner's request for order to shorten time, ordering Petitioner to serve the RFO on or before August 14, 2026, and ordering Respondent to file and serve a Responsive Declaration on or before August 26, 2026.

Proof of service filed August 12, 2026, shows the RFO and supporting documents were electronically served upon Respondent that same day.

On August 26, 2026, Respondent filed a timely Responsive Declaration, memorandum of points and authorities, and responses to Petitioner's Separate Statements (a separate response related to interrogatories, request for production, and request for admission), copies of which were electronically served upon Petitioner that same day per the proofs of service attached to each filing.

On August 27, 2026, Petitioner filed a supplemental declaration, a copy of which was electronically served upon Respondent that same day per the proof of service, also filed August 27, 2026.

Respondent claims that the further information Petitioner seeks through discovery pertains to the sale of his business and such information is subject to a proposed Stipulated Protective Order. The court, however, is unable to locate a copy of said protective order or documentation that a proposed order was provided to Petitioner. Before addressing the substance of Petitioner's RFO, the court will need clarification on the issue of the protective order.

Lastly, the court notes that, on August 12, 2026, Respondent filed a Request for Status Trial Setting Conference. The court set a Trial Setting Conference for September 23, 2026. Although the matter is not presently before the court, the court intends to ask Respondent for clarification at the August 12 hearing. It is unclear to the court what trial Respondent wishes to set, as the evidentiary hearing on his RFO to modify spousal support is already on calendar. The parties are ordered to meet and confer in advance of the hearing to reduce the range and number of disputed issues.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, SEPTEMBER 02, 2026, IN DEPARTMENT 12. THE PARTIES ARE ORDERED TO MEET AND CONFER IN ADVANCE OF THE HEARING TO REDUCE THE RANGE AND NUMBER OF DISPUTED ISSUES.

⁶ On August 10, 2026, Petitioner filed a Notice of Motion and Motion to Compel Further Discovery Responses on pleading paper. The August 10, 2026, filing includes a request for monetary sanctions; however, the court notes that Petitioner filed no Income and Expense Declaration (I&E) in connection with her request. The August 11, 2026, RFO was filed on the required Judicial Council form FL-300.