

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M248033  
E/afa

WILLIAM F. MASTRO, J.P.  
JEFFREY A. COHEN  
FRANCESCA E. CONNOLLY  
VALERIE BRATHWAITE NELSON, JJ.

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2016-11736

DECISION & ORDER ON MOTION

Ana Ospina-Cherner, respondent,  
v Daniel Cherner, appellant.

(Index No. 2454/13)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Westchester County, dated September 29, 2016, for failure to comply with a decision and order on motion of this Court dated December 4, 2017, and on the ground that the appellant is improperly raising arguments for the first time on appeal, or, in the alternative, to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until April 26, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the motion is otherwise denied without prejudice to the respondent's arguing in her brief that the appellant is improperly raising arguments for the first time on appeal.

MASTRO, J.P., COHEN, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER: 

Aprilanne Agostino  
Clerk of the Court

March 27, 2018

OSPINA-CHERNER v CHERNER