

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1004

CA 20-01378

PRESENT: CENTRA, J.P., PERADOTTO, TROUTMAN, WINSLOW, AND DEJOSEPH, JJ.

IN THE MATTER OF ALI AL-SINJARI,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

OMAR AL-SINJARI, RESPONDENT-RESPONDENT.

HASHMI LAW FIRM, ROCHESTER (KAMRAN F. HASHMI OF COUNSEL), FOR
PETITIONER-APPELLANT.

SHULTS & SHULTS, HORNELL (DAVID A. SHULTS OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from a judgment and order (one paper) of the Supreme Court, Steuben County (Kevin M. Nasca, J.), entered September 1, 2020. The judgment and order dismissed the petition and vacated a temporary restraining order.

It is hereby ORDERED that the judgment and order so appealed from is unanimously affirmed without costs.

Memorandum: In this proceeding pursuant to General Obligations Law § 5-1510, petitioner appeals from a judgment and order that, *inter alia*, dismissed the petition. We affirm. Although petitioner contends that he is entitled to an accounting under section 5-1510 (1), his contention is not properly before us because the petition does not request an accounting under that subdivision (*see generally Ciesinski v Town of Aurora*, 202 AD2d 984, 985 [4th Dept 1994]). We have reviewed petitioner's remaining contentions and conclude that none warrants reversal or modification of the judgment and order.

Entered: November 19, 2021

Ann Dillon Flynn
Clerk of the Court