

DECISION AND ORDER

PUTNAM COUNTY
CLERK

2008 DEC -1 PM 3:33

To commence the statutory period of appeals
as of right CPLR (5515[a]), you are advised
to serve a copy of this order with notice
of entry, upon all parties.

SUPREME COURT OF THE STATE OF NEW YORK
IAS PART, PUTNAM COUNTY

Present:

Andrew P. O'Rourke
Justice of the Supreme Court

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In the Matter of SLS RESIDENTIAL INC.,
A. BERGMAN and. J. SANTORO d/b/a
SUPERVISED LIFESTYLES,

Petitioners

-against-

MICHAEL F. HOGAN, COMMISSIONER,
NEW YORK STATE OFFICE OF MENTAL
HEALTH, IN HIS OFFICIAL CAPACITY,

Respondent.
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Index No. 2598/2008

[PROPOSED] ORDER

A petition having been made by Petitioners and having duly come on to be heard on the
28th day of October, 2008 for a judgment pursuant to N.Y. C.P.L.R. art. 78,

NOW, upon the submissions of all parties as submitted to the Court and a hearing having
been held before this Court on October 28, 2008; and for good cause shown, it is hereby

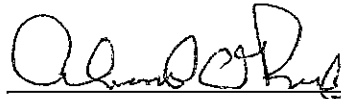
ORDERED that a) Respondents' Final Determination dated June 10, 2008, b)
Respondents' Report dated April 17, 2008 and c) the cease and desist orders and assessments of

finances in Respondents' letters dated November 17, 2006, November 28, 2006 and November 30, 2006 are hereby vacated and annulled as arbitrary, capricious and contrary to law and wholly unsupported by substantial evidence; and it is further

ORDERED that Respondents are enjoined and prohibited from taking further regulatory action based in whole or in part on the subject matter of the Final Determination, Report or letters identified above, including, without limitation, taking any action with respect to the threatened license revocation in the Respondents' letter dated August 29, 2008; and it is further

~~ORDERED that Petitioners are awarded their incidental damages in the amount of~~
Ordered that Petitioners shall schedule with the Court's
Clerk a hearing date for damages

APK
TSE


Justice of the Supreme Court

Hon. Andrew P. O'Rourke
Supreme Court Justice

Dated: November 7, 2008
Carmel, New York