



JOANN M. WAHL
CLERK OF THE COURT

NEW YORK STATE SUPREME COURT
APPELLATE DIVISION, FOURTH DEPARTMENT
M. DOLORES DENMAN COURTHOUSE
50 EAST AVENUE, SUITE 200
ROCHESTER, NEW YORK 14604
(585) 530-3100 Fax (585) 530-3247



PATRICIA L. MORGAN
DEPUTY CLERK OF THE COURT

EXHIBIT 5

September 17, 2003

ANTHONY J. CERVI
CHELUS HERDZIK SPEYER
438 MAIN ST STE 1000
BUFFALO NY 14202

The following appeal(s) are on the Day Calendar at 10:00 a.m. on

MONDAY, SEPTEMBER 8, 2003, Courtroom 1

Under Rule 1000.11, the cause must be argued or submitted on that day. No further notice will be sent.

CA 02-02104
DEBORAH JEAN LYONS V AURORA MERCY CORP.

PLEASE NOTE: THE COURT WILL BEGIN CALLING CASES FOR ORAL ARGUMENT AT 10:00 A.M. IF YOU ARE NOT IN THE COURTROOM WHEN YOUR CASE IS CALLED, IT WILL BE DEEMED SUBMITTED. THE CLERK'S OFFICE IS NOT PERMITTED TO ESTIMATE THE TIME WHEN YOUR CASE WILL BE CALLED.

PLEASE FURTHER NOTE: IF THE APPEAL OR PROCEEDING HAS BEEN SETTLED OR WITHDRAWN, PLEASE NOTIFY JOAN BRIMLOW, CONSULTATION CLERK, IN WRITING AS SOON AS POSSIBLE.