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Jul 10 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Circuit Court Judge

Case No. 2025-CP-10-06032

Paul Thomas Capo, Jr. as Next Friend of Ryan McDermott,Respondent,

v.

Active Day, Inc.,Appellant,

NOTICE OF APPEAL

Appellant Active Day, Inc. appeals from the order of the Charleston County Circuit Court denying its Motion to Compel Arbitration, entered by the Honorable Dale E. Van Slambrook. The Court issued a short-form order denying the Motion to Compel Arbitration on May 26, 2026, and a final written order on May 26, 2026. Appellant thereafter moved to reconsider pursuant to Rule 59(e), SCRCP, and the Court denied that motion by short-form order dated July 7, 2026. Copies of all three orders are attached and provided to the Court of Appeals with this Notice.

Respectfully submitted this 10th day of July 2026.

s/Tyler A. Adams

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CERTIFICATE OF SERVICE AND FILING

I certify that I served the notice of appeal by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

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Attorneys for the Respondent Plaintiff

This the 10th day of July 2026.

[SIGNATURE PAGE TO FOLLOW]

Active Day Notice of Appeal
Case No.: 2025-CP-10-06032

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