The South Carolina Court of Appeals

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September 10, 2026

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Re: Paul Thomas Capo, Jr. v. Active Day, Inc.
Appellate Case No. 2026-001533

Dear Counsel:

Enclosed is the Court's decision on the respondent's motion to dismiss. This case is no longer held in abeyance. The appellant must notify the Court immediately upon receipt of the transcript so the appropriate timelines may be calculated.

Very truly yours,

CLERK

The South Carolina Court of Appeals

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

v.

Active Day, Inc., Appellant.

Appellate Case No. 2026-001533

ORDER

Appellant appeals from an order denying an application to compel arbitration. Respondent filed a motion to dismiss arguing the order is not appealable and this court lacks appellate jurisdiction. Appellant filed a return in opposition. Respondent did not file a reply. After careful consideration, we deny the motion to dismiss. However, nothing in this order prevents the parties from briefing these arguments in their appellate briefs.

_____J.
FOR THE COURT

Columbia, South Carolina

cc:
Philip Paul Cristaldi, III, Esquire
Tyler Augustus Adams, Esquire
Victoria Nichole Smith, Esquire
Rhett Daniel Klok, Esquire

FILED
Sep 10 2026