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SC Court of Appeals

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**Cc:** [Philip Cristaldi](#); [Rhett D. Klok](#); [Victoria Smith](#)  
**Subject:** RE: Paul Thomas Capo, Jr. v. Active Day, Inc.- 2026-001533  
**Date:** Tuesday, September 22, 2026 12:23:47 PM  
**Attachments:** [image003.png](#)  
[image006.png](#)  
[2026.09.10 Order Denying MTD.pdf](#)

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Good afternoon,

By its order filed September 10, 2026, the Court denied Respondent's Rule 240, SCACR, motion to dismiss the appeal, lifted the abeyance, and directed Appellant to notify the Court upon receipt of the transcript so that the briefing schedule could be calculated. Consistent with that directive, Appellant advised the court that they received the transcript.

Appellant respectfully requests to confirm if the Court calculates the thirty-day period from the September 10, 2026, order resolving the motion to dismiss, or from another date.

Thank you for your assistance. A copy of September 10, 2026, order is attached for your convenience.

Thank you,  
Tyler Adams



**Tyler Adams**  
Associate Attorney  
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**Sent:** Monday, July 20, 2026 4:07 PM  
**To:** Nicole Nedrich <nnedrich@rclawsc.com>; Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Tyler Adams <tadams@rclawsc.com>; Philip Cristaldi <pcristaldi@rclawsc.com>; Rhett D. Klok <rklok@kloklaw.com>; Victoria Smith <victoria@victoriasmithlegal.com>  
**Subject:** RE: Paul Thomas Capo, Jr. v. Active Day, Inc.- 2026-001533

The Court has received your filing. A stamped copy is attached for your records.

Thank you!

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**From:** Nicole Nedrich <[nnedrich@rclawsc.com](mailto:nnedrich@rclawsc.com)>  
**Sent:** Monday, July 20, 2026 3:41 PM  
**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>  
**Cc:** Tyler Adams <[tadams@rclawsc.com](mailto:tadams@rclawsc.com)>; Philip Cristaldi <[pcristaldi@rclawsc.com](mailto:pcristaldi@rclawsc.com)>; Rhett D. Klok <[rklok@kloklaw.com](mailto:rklok@kloklaw.com)>; Victoria Smith <[victoria@victoriasmithlegal.com](mailto:victoria@victoriasmithlegal.com)>  
**Subject:** RE: Paul Thomas Capo, Jr. v. Active Day, Inc.- 2026-001533

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Good afternoon,

Please find attached ***Appellant, Active Day, Inc.’s Motion in Return in Opposition to Respondent’s Motion to Dismiss Appeal and Exhibits 1-2*** in the above referenced matter to be filed.

Additionally, pursuant to Section (b)(2) of the Supreme Court’s Order Methods of Electronic Filing and Service, we have placed a check in the mail as a filing fee for this Motion in Return.

Please let us know if you need any additional information or have any questions.

Thank you!

**Nicole Nedrich**  
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**From:** Evans-Pryor, Khee'Asia <[kprior@sccourts.org](mailto:kprior@sccourts.org)>  
**Sent:** Monday, July 13, 2026 2:48 PM  
**To:** Philip Cristaldi <[pcristaldi@rclawsc.com](mailto:pcristaldi@rclawsc.com)>; Tyler Adams <[tadams@rclawsc.com](mailto:tadams@rclawsc.com)>;  
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[awalton@kloklaw.com](mailto:awalton@kloklaw.com)  
**Subject:** Paul Thomas Capo, Jr. v. Active Day, Inc.- 2026-001533

Dear Counsel,

Attached please find correspondence from the Court of Appeals.

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Respectfully,

***Khee'Asia Evans-Pryor***  
Appeals Specialist

South Carolina Court of Appeals  
1220 Senate Street, Columbia, SC 29201



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