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October 12, 2026

VIA E-MAIL (ctappfilings@sccourts.org)

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
Oct 12 2026
SC Court of Appeals

RE: Paul Thomas Capo, Jr. v. Active Day, Inc.
Appellate Case No. 2026-001533
Response to First Request for Extension (No Objection)

Our Client: Paul Thomas Capo, Jr., Respondent

Dear Ms. Kitchings:

This firm, together with Victoria N. Smith, represents Respondent Paul Thomas Capo, Jr. in the above-referenced appeal. We write in response to the letter dated October 9, 2026, from counsel for Appellant Active Day, Inc., requesting a thirty-day extension, from Monday, October 26, 2026, through Wednesday, November 25, 2026, of the time to serve and file Appellant's Initial Brief and Designation of Matter.

Respondent does not object to this first request. Respondent's position is based on the representation in Appellant's letter that this is Appellant's first request for an extension in this appeal, and on the understanding that Appellant's Initial Brief and Designation of Matter will be served and filed on or before November 25, 2026.

Respondent does ask that the Court regard the extension, if granted, as the last one absent extraordinary cause. The underlying action in the Charleston County Court of Common Pleas, Case No. 2025-CP-10-06032, remains stayed pending this appeal, and Respondent has a continuing interest in its prompt resolution. If Appellant later seeks a further extension, Respondent respectfully reserves the right to be heard in response.

Finally, so that the record is clear, Respondent's time to serve and file Respondent's Brief will run from actual service of Appellant's Initial Brief, as provided in Rule 208, SCACR.

Respondent's non-objection to this request does not waive any position on the merits of the appeal or on any other matter.

Thank you for your attention to this matter. Please let us know if the Court needs anything further from Respondent.

Very truly yours,

/s/ Rhett D. Klok
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