

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

ROCK HILL DIVISION

BARBARA LEEANN LEE,]

Plaintiff,]

-vs-]

Civil Action No.09-962

O R D E R

INDUSTRIAL PIPING, INC.;]

MICHAEL AMOS; AND DOUGLAS]

AMOS,]

Defendants.]

This is an employment discrimination case filed by the plaintiff, Barbara LeeAnn Lee, against the defendants, Industrial Piping, Inc., Michael Amos, and Douglas Amos. The plaintiff alleges *inter alia* a claim for sex discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq and various other state law causes of action. The defendants deny the plaintiff's allegations. The matter is now before the Court pursuant to the motion of the plaintiff to voluntarily dismiss this matter with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Defendants oppose voluntary dismissal to the extent it would prevent them from seeking attorney's fees and costs.

Pursuant to 28 U.S.C. §636 and this Court's local Rules, the matter was referred to a United States Magistrate Judge for a Report and Recommendation. United States Magistrate Judge Paige Gossett reviewed the matter and recommended the Court grant

the plaintiff's motion for voluntary dismissal with the express preservation of any rights the defendants may otherwise have to seek attorney fees incurred in connection with the matter. See, e.g., Columbrito v. Kelly, 764 F.2d 122, 133-34 (2nd Cir. 1985). The plaintiff has not objected to the Magistrate Judge's Report and Recommendation.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews. v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. 28 U.S. C. § 636(b)(1)(C). However, the Court is not required to review under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the Recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140 (1985).

Upon review of the matter, the Court is of the opinion that the Recommendation of the Magistrate Judge should be and is hereby approved.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 20, 2010