

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Olden Brooker, )  
)  
Plaintiff, )  
)  
v. )  
)  
INVISTA S.à.r.l. LLC, )  
)  
Defendant. )  
\_\_\_\_\_ )

C/A No.: 3:14-cv-00148-TLW

**ORDER**

Plaintiff Olden Brooker filed this action against his former employer based on his termination from employment. ECF Nos. 1, 24. The matter now comes before this Court for review of the Report and Recommendation (the “Report”) filed by Magistrate Judge Shiva V. Hodges, to whom this case is assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). ECF No. 30. In the Report, the Magistrate Judge recommends denying Defendant INVISTA S.à.r.l. LLC’s motion to dismiss Plaintiff’s defamation claim pursuant to Fed. R. Civ. P. 12(b)(6). *Id.* Defendant filed objections to the Report on September 19, 2017. ECF No. 34. This case is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 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 report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Housing Auth. of the City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed, *de novo*, the Report, the objections, and the applicable law. After careful consideration, the Court concludes that the Defendant's objections are repetitive and that the allegations in the Complaint are sufficient to survive the Rule 12(b)(6) motion. At this stage in the litigation, factual development is appropriate to properly evaluate the validity of Plaintiff's claims. Therefore, **IT IS ORDERED** that the Report, ECF No. 30, is **ACCEPTED**, and the Objections to the Report, ECF No. 34, are **OVERRULED**. For the reasons stated in the Report and those stated herein, Defendant's Motion to Dismiss Plaintiff's defamation claim, ECF No. 25, is **DENIED**.

**IT IS SO ORDERED.**

*s/Terry L. Wooten*  
Chief United States District Judge

February 14, 2018  
Columbia, South Carolina