

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

Tishia R. Guess,)
)
 Plaintiff,)
)
 v.)
)
 Computer Science Corporation,)
 Kevin Thompson, and Modis Corporation)
)
 Defendant.)
 _____)

C/A No.: 3:18-688-TLW

ORDER

Plaintiff Tishia Guess filed this action alleging violations of Title VII of the Civil Rights Act of 1964 against her former employer, Defendant Computer Science Corporation (CSC), and intentional infliction of emotional distress and libel and slander against all Defendants. ECF No. 1. The matter now comes before this Court for review of the Report and Recommendation (the “Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, 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. 37. In the Report, the Magistrate Judge recommends granting Defendants Modis’s and CSC’s motions to dismiss and compel arbitration, ECF Nos. 18, 28, pursuant to Fed. R. Civ. P. 12(b)(3) and declining to exercise supplemental jurisdiction over the remaining state claims. *Id.* Plaintiff filed objections to the Report on November 7, 2018, ECF No. 39, and Defendant CSC filed its reply on November 21, 2018. ECF No. 42. 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, the relevant filings, and the applicable law. The Fourth Circuit in *Hooters of America, Inc. v. Phillips* states “a party must be held to the terms of its bargain unless Congress intends to preclude waiver of a judicial forum” 173 F.3d 933, 937 (4th Cir. 1999). “Predispute agreements to arbitrate Title VII claims are thus valid and enforceable.” *Id.* The parties do not assert nor does the caselaw indicate that Congress has enacted legislation that takes Title VII claims outside the Federal Arbitration Act. Therefore, after careful consideration, the Court accepts the Magistrate Judge’s detailed factual and legal analysis in the Report.

Therefore, **IT IS ORDERED** that the Report, ECF No. 37, is **ACCEPTED**, and the Objections to the Report, ECF No. 39, are **OVERRULED**. For the reasons stated in the Report and those stated herein, Defendants’ motions to dismiss and compel arbitration, ECF Nos. 18, 28, are **GRANTED**. The Court declines to exercise supplemental jurisdiction over Plaintiff’s

remaining state law claims against Defendant, Kevin Thompson, and this case dismissed in it's entirety.

IT IS SO ORDERED.

s/Terry L. Wooten
Senior United States District Judge

March 29, 2019
Columbia, South Carolina