

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

Richard Wike,

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Civil Action No.: 4:13-cv-2984-RBH

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Plaintiff,

)

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v.

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ORDER

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Holiday Kamper Company of
Columbia, LLC d/b/a Camping
World RV Sales, and
FreedomRoads, LLC,

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Defendants.

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Plaintiff Richard Wike (“Plaintiff”) filed this action in the South Carolina Court of Common Pleas for Horry County against his former employer Defendant Holiday Kamper Company of Columbia, LLC d/b/a Camping World RV Sales (“Camping World”) and FreedomRoads, LLC (“FreedomRoads”). *See* Compl., ECF No. 1-1. On November 8, 2013, Defendants filed a Motion to Stay Action Pending Arbitration. *See* ECF No. 5. In the motion, Defendants assert that “the claims asserted in the Complaint are subject to binding arbitration pursuant to the applicable arbitration procedure.” *Id.* at 2.

Plaintiff timely filed a return to the motion to stay on November 25, 2013. *See* ECF No. 8. In the return, Plaintiff argues that FreedomRoads was one of Plaintiff’s former employers and was not a party to the Arbitration Agreement. *Id.* at 1. Accordingly, Plaintiff opposes the motion to stay and also demands the right to a jury trial. *Id.* Defendants filed a reply in support of their motion on December 4, 2013. *See* ECF No. 9.

The matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C.

§ 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 10. In the Report and Recommendation, the Magistrate Judge recommends that Defendants' Motion be granted and the matter stayed pending the outcome of arbitration. *See id.* at 5–6.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (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, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference, as modified. Therefore, it is **ORDERED** that Plaintiff's motion to stay is **GRANTED**. Arbitration is hereby **COMPELLED**, and the matter is **STAYED** until August 25, 2014, to give the parties an opportunity to proceed with arbitration. The parties should file a status

report upon either the completion of arbitration or reaching the August 25, 2014 deadline, whichever date comes earlier. The R & R is modified to indicate the length of time for which the matter is stayed.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
March 25, 2014