

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA

**Herschel Jamal Ham v. Thermofisher Scientific, Austin Maintenance  
and Construction, Inc., Eric Bingaman, and Janet Ayyad Ismail**

Ham · No. 4:25-cv-01347-JD · Decided January 15, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge's Report and Recommendation concerning motions to dismiss and compel arbitration of Plaintiff's Title VII employment discrimination claims. The court grants the motions to compel arbitration, dismisses the action without prejudice so the parties may proceed to arbitration, and dismisses the individual defendants as parties.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of South Carolina                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | José D. Dawson, III                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the District of South Carolina                                                                                                                                                                                                                                                                         |
| DECIDED               | January 15, 2026                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 4:25-cv-01347-JD                                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's Report and Recommendation addressing defendants' motions to dismiss and to compel arbitration of the plaintiff's Title VII claims. No party filed specific objections.                                                                                                                 |
| STANDARD OF REVIEW    | When no specific objections are filed to a magistrate judge's report and recommendation, the district court need not conduct de novo review and need only determine whether there is no clear error on the face of the record. Specific objections would require de novo review of the challenged portions under 28 U.S.C. § 636(b)(1). |
| PRECEDENTIAL VALUE    | Unknown; unpublished district court order                                                                                                                                                                                                                                                                                               |

TOPICS

- employment arbitration
- arbitration
- title vii
- racial discrimination
- retaliation

## PRACTICE AREAS

employment law

civil procedure

arbitration

civil rights

## QUESTIONS PRESENTED

1. Whether the magistrate judge's Report and Recommendation should be adopted when no party filed specific objections.
2. Whether the plaintiff's Title VII claims against the corporate defendants were subject to the employment arbitration agreement.
3. Whether the action should be dismissed without prejudice after all asserted claims were determined to be arbitrable.
4. Whether the individual defendants should be dismissed as parties based on the plaintiff's express consent.

## HOLDINGS

1. Because no specific objections were filed, the district court was required only to determine whether clear error appeared on the face of the record; finding none, it adopted the Report and Recommendation in its entirety.
2. The corporate defendants were entitled to compel arbitration because the plaintiff entered into a valid and enforceable arbitration agreement with Austin Maintenance and Construction, Inc., the agreement encompassed the Title VII claims, and Thermofisher Scientific could enforce the agreement under equitable-estoppel principles despite being a nonsignatory.
3. The action was dismissed without prejudice so that the parties could proceed to arbitration.
4. Eric Bingaman and Janet Ayyad Ismail were dismissed as parties based on the plaintiff's express consent to their dismissal.

## KEY QUOTATIONS

*"Because all claims asserted in this action are subject to arbitration, and consistent with Fourth Circuit precedent, this action is DISMISSED WITHOUT PREJUDICE so that the parties may proceed to arbitration."* (E. Conclusion)

*"Individual Defendants Eric Bingaman and Janet Ayyad Ismail are DISMISSED as parties."* (E. Conclusion)

## FACTUAL BACKGROUND

Herschel Jamal Ham, proceeding pro se, alleged that the defendants engaged in race-based discrimination, harassment, and retaliation in violation of Title VII. He named Thermofisher Scientific and Austin Maintenance and Construction, Inc. as alleged employers and also named Eric Bingaman and Janet Ayyad Ismail as individual defendants. Austin Maintenance relied on an arbitration agreement executed at the outset of Ham's employment, while Ham expressly requested dismissal of the individual defendants because they had been misidentified.

## PROCEDURAL HISTORY

Plaintiff filed a pro se Title VII complaint alleging race discrimination, harassment, and retaliation against two corporate defendants and two individual defendants. The corporate defendants moved to dismiss and compel arbitration based on an employment arbitration agreement; the individual defendants moved to dismiss, and plaintiff expressly consented to dismissal of those defendants. The magistrate judge recommended granting arbitration, dismissing the individual defendants, and dismissing the action without prejudice. The district court found no clear error, adopted the Report in its entirety, granted the motions to compel arbitration, and dismissed the action without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)