

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Ngozi Paula Ejim v. Thomas J. Henry, PLLC, et al.

Ejim · No. 1:25-CV-1103-ADA-SH · Decided January 7, 2026

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s report and recommendation in Ngozi Paula Ejim’s action against Thomas J. Henry, PLLC and others. The court overruled the plaintiff’s objections, dismissed claims against Amber Petrig Simon, granted a motion to compel arbitration as to the remaining defendants, and stayed the case pending arbitration.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	Alan D. Albright
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	January 7, 2026
DOCKET	1:25-CV-1103-ADA-SH
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed Plaintiff's objections to a magistrate judge's Report and Recommendation de novo, adopted the recommendation, granted one defendant's motions to dismiss, and granted the remaining defendants' motion to compel arbitration and stayed the case as to those defendants.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which specific objections were made.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motions to dismiss
- arbitration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report and Recommendation should be adopted after de novo review of Plaintiff's objections.
2. Whether Amber Petrig Simon's motions to dismiss should be granted.
3. Whether the remaining defendants' motion to compel arbitration should be granted and the case stayed as to those defendants pending arbitration.

HOLDINGS

1. The district court adopted the Report and Recommendation and overruled Plaintiff's objections after conducting de novo review.
2. The court granted Amber Petrig Simon's motions to dismiss and dismissed her from the lawsuit.
3. The court granted Thomas J. Henry, PLLC, Emilia Cummings, Elena Fabrin, Jack Genovese II, Laurie Dobson, and Tanya Bachand's motion to compel arbitration and stayed the case as to those defendants pending resolution of the arbitration proceedings.

KEY QUOTATIONS

"After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted."

"The Clerk of Court is requested to STAY this case as to those Defendants pending the resolution of the arbitration proceedings."

FACTUAL BACKGROUND

Plaintiff Ngozi Paula Ejim brought claims against Thomas J. Henry, PLLC, Emilia Cummings, Elena Fabrin, Jack Genovese II, Laurie Dobson, Tanya Bachand, and Amber Petrig Simon. The magistrate judge recommended dismissing the claims against Simon and compelling arbitration of the claims against the other identified defendants, with a stay pending arbitration.

PROCEDURAL HISTORY

Magistrate Judge Susan Hightower recommended granting Amber Petrig Simon's motions to dismiss and dismissing Plaintiff's claims against her, as well as granting the other defendants' motion to compel arbitration and staying the case pending arbitration. Plaintiff filed objections to the Report and Recommendation, but after conducting de novo review, the district court overruled the objections and adopted the recommendation.

DISPOSITION

other

CASES CITED

- Battle v. U.S. Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415 (5th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION
NGOZI PAULA EJIM, § § Plaintiff, § § v. § CASE NO. 1:25-CV-1103-ADA-SH § THOMAS J.
HENRY, PLLC, et al., § § Defendants. § § § § § § ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION Before the Court is the Report and
Recommendation of United States Magistrate Judge Susan Hightower.

ECF No. 45. The report recommends that this Court grant Defendant Amber Petrig Simon's motions to dismiss (ECF Nos. 16 and 25), dismiss Plaintiff's claims against Ms. Simon, and dismiss Ms. Simon from this suit. Id. at 17.

The report further recommends that this Court grant Defendants Thomas J. Henry, PLLC, Emilia Cummings, Elena Fabrin, Jack Genovese II, Laurie Dobson, and Tanya Bachand's Motion to Compel Arbitration (ECF No. 36) and stay this case as to those Defendants pending the resolution of the arbitration proceedings.

The report and recommendation was filed on November 10, 2025. A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing de novo review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b).

A district court need not consider "[f]rivolous, conclusive, or general objections." Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (quoting Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (Sth Cir. 1982) (en banc), overruled on other grounds by Douglass v. United States Auto. Ass'n, 79 F.3d 1415 (Sth Cir. 1996)).

The district court may decline a party's request to hear new evidence not before the Magistrate Judge. Fed. R. Civ. P. 72(b)(3). Plaintiff filed objections on November 26, 2025. ECF No. 46. The Court has conducted a de novo review of Plaintiff's Complaint, Defendants' Motion, all related briefing and exhibits, Plaintiffs objections to the report and recommendation, and the applicable laws.

After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted. IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Susan Hightower (ECF No. 45) is ADOPTED. IT IS FURTHER ORDERED that Plaintiffs objections are OVERRULED. IT IS

FURTHER ORDERED that Defendant Amber Petrig Simon's motions to dismiss (ECF Nos. 16 and 25) are GRANTED.

Ms. Simon is hereby DISMISSED from this lawsuit. IT IS FURTHER ORDERED that Defendants' Thomas J. Henry, PLLC, Emilia Cummings, Elena Fabrin, Jack Genovese II, Laurie Dobson, and Tanya Bachand's Motion to Compel Arbitration (ECF No. 36) is GRANTED.

The Clerk of Court is requested to STAY this case as to those Defendants pending the resolution of the arbitration proceedings. SIGNED this 7th day of January, 2026. (oes ALAN D ATBRIGHT
UNITED STATES DISTRICT JUDGE