

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JASON D. IVARONE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-2322 (JR)
	:	
JOSEPH FRIEND,	:	
	:	
Defendant.	:	

MEMORANDUM

This is a defamation case. The plaintiff asserts that his former employer defamed him by labeling him "not eligible for rehire," by calling him a "security threat" when it discharged him, and by publishing those evaluations within his new workplace after his discharge. The defendant moves to dismiss, invoking a clause in plaintiff's employment agreement that provides for binding arbitration of

[a]ny controversy or claim arising out, of or relating to this Agreement, or its breach, or otherwise arising out of or relating to my recruitment by, employment with, or the termination of employment with, CACI

Plaintiff's response is that he is no longer bound by the employment agreement and that in any case the defamation of which he complains occurred after his discharge. He invokes the hornbook rule that a party cannot be compelled to arbitrate a dispute it has not contractually agreed to arbitrate. He did agree to arbitrate this dispute, however. Not only the gist of

his complaint, but also its details, plainly "aris[e] out of or relat[e] to . . . the termination of [his] employment with CACI." Plaintiff will not be compelled to arbitrate his claims -- whether he chooses to proceed further with them is up to him -- but he may not bring them to this Court. An order of dismissal accompanies this memorandum.

JAMES ROBERTSON
United States District Judge