

October 31, 2024

Scott S. Harris  
Clerk, United States Supreme Court  
One First Street, NE  
Washington, DC 20543

Re: *Frank Deville v. Pension Benefit Guaranty Corporation*, No. 24-5697, petition for cert. filed July 28, 2024

Dear Mr. Harris,

With this letter and attached waiver form, the Pension Benefit Guaranty Corporation (“PBGC”) waives its right to file an opposition to the petition for certiorari captioned above. PBGC is a wholly owned United States government corporation and an agency of the United States. 29 U.S.C. § 1302(a); see 5 U.S.C. §§ 103, 105. PBGC was created to administer the pension plan termination insurance program established by Congress under Title IV of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. §§ 1301-1461 (2018 & Supp. IV 2023). Subject to statutory limits, PBGC guarantees benefits earned by participants in pension plans covered under Title IV. 29 U.S.C. § 1322. PBGC has the power “to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal.” 29 U.S.C. § 1302(b)(1).

Pro se Petitioner, Frank Deville, is a participant in the Exide Technologies Retirement Plan (the “Plan”) and is entitled to a monthly benefit under the Plan. PBGC is the statutory trustee of the Plan. With this petition, Mr. Deville alleges that in addition to his monthly benefit he is entitled to a disability retirement benefit under the Plan. Mr. Deville challenges the lower courts’ holdings that PBGC’s determination that he did not meet the Plan’s requirements for a disability retirement benefit was consistent with the facts and

the Plan's provisions. Mr. Deville does not, however, identify a question of federal law for this Court to address. Rather, Mr. Deville's petition requests the Court to review a specific Plan provision as applied to the specific facts of this case. Accordingly, Mr. Deville's petition for certiorari should be denied.

Respectfully,



Karen L. Morris

General Counsel

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cc: Frank Deville