



AMERICAN BENEFITS
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Council applauds U.S. Supreme Court decision striking down challenge to defined benefit plan *Ruling follows employer groups' recommendations to high court*

WASHINGTON, DC - "The American Benefits Council is delighted to learn that the U.S. Supreme Court's [June 1 decision in *Thole v. U.S. Bank*](#) followed the recommendations made in its [November 2019 amicus \("friend of the court"\) brief](#) filed with other employer groups," said Lynn Dudley, the Council's senior vice president, global retirement and compensation policy. The high court agreed that the plaintiffs in *Thole v. U.S. Bank* lacked standing to challenge particular investments made in their defined benefit plan.

"A decision in favor of the plaintiffs could have opened the floodgates to lawsuits challenging particular investments in defined benefit plans - similar to lawsuits often filed against defined contribution plans - even though the benefits of the participants are not affected," Dudley said.

As the court stated in its holding, "[w]in or lose, they would still receive the exact same monthly benefits they are already entitled to receive." In addition, the majority opinion pointed out that "the employer, not plan participants, receives any surplus left over after all of the benefits are paid; the employer, not plan participants, is on the hook for plan shortfalls."

For more information, or to arrange an interview with the Council's retirement policy team, contact Jason Hammersla, Council vice president, communications, at jhammersla@abcstaff.org or by phone at (202) 422-4652 (cell).

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The Council is a public policy organization whose members include over 220 of the world's largest corporations, as ranked by Fortune and Forbes. Collectively, the Council's members either directly sponsor or administer health and retirement benefits for virtually all Americans covered by employer-sponsored plans.