

[REDACTED]

IX. Damages

A. Damages Based on Difference Between Actual and But-For Dealer Labor Rates

279. I discussed above my conclusion that due to Deere’s exclusionary conduct, Dealers overcharged Damages Class members by 7.4 percent to 15.0 percent based on the yardsticks of (1) labor rates for older large equipment and (2) labor rates of dealers of other brands. In order to estimate a range of class-wide aggregate damages suffered by members of the Damages Class, I apply the 7.4 percent to 15.0 percent overcharge range to my estimate of the relevant commerce.

[REDACTED]

Relevant commerce in this case is the total labor costs during the Damages Class Period for all repairs of Large Ag Equipment performed by Dealers for members of the Damages Class.⁵⁹²

280. I discuss above that customers that would have gone to an independent repair shop in the but-for world were harmed in that they would have paid the lower prices for Repair Services charged by independent repair shops in the but-for world. Likewise, I discuss above that customers that would have performed their own Repair Services were harmed in that they would have only had to incur the cost of their own time for the repair. In addition, those that would still have gone to Dealers for Repair Services in the but-for world were harmed because the increased competition from customers performing their own repairs and independent repair shops would have put downward pressure on the prices charged by Dealers by at least 7.4 percent.

281. For my class-wide calculation of damages, I am only considering Dealers' overcharge—the percentage difference between the price that Dealers charged for labor and the price that Dealers would have charged for labor in the but-for world. My overcharge estimates are common to the Damages Class because my estimates can be used by any Damages Class member as the best available estimates of the Dealer overcharge. This understates aggregate damages to Damages Class members, because even in the but-for world, Dealers would have charged higher prices than independent repair shops and would have charged more than it would cost farmers to repair their own equipment for those farmers that chose to do so in the but-for world. I include a conservative estimate of the additional damages to Damages Class members to account for the incremental self-repair and use of independent mechanics in the next section. I also include a conservative estimate of the damages associated with increased downtime to Damages Class members that would have had reduced downtime through self-repair and use of independent mechanics.

282. To estimate relevant commerce, I first calculate the total hours of labor for each year reflected in the [REDACTED] data, described above, for Deere Large Ag Equipment.

283. As noted above, the [REDACTED] data has become increasingly comprehensive over time. While there may have been a small portion of repairs conducted by Dealers that were not

⁵⁹² Because my calculation of relevant commerce ends on May 16, 2024 when the [REDACTED] data ends, in order to estimate damages through July 2025, I first annualize the partial-year 2024 damages based on the portion of 2023 commerce that occurred from January 1, 2023 to May 16, 2023. I then estimate damages from January to July 2025 by applying the portion of 2023 commerce that occurred from January to July to total 2024 damages.

included in [REDACTED], for purposes of my damages calculation, I am treating [REDACTED] as if it were comprehensive over the time period for which I have [REDACTED] data.

284. The [REDACTED] data indicates repairs that are covered by warranty. However, the [REDACTED] data also includes other categories of repair such as internal and sundry without labeling them as such.⁵⁹³ To estimate the share of [REDACTED] hours that are for non-retail repairs, I rely on the [REDACTED] data which specifies the type of repair. Specifically, in order to only include an estimate of retail repair hours in [REDACTED], I first take only the hours for non-warranty repairs in [REDACTED] and I then adjust the non-warranty [REDACTED] hours by the percentage of non-warranty repair hours in the [REDACTED] data that are retail repairs.⁵⁹⁴

285. In order to limit the hours to Damages Class members, I only include labor hours associated with pieces of equipment (identified by PINs) that had at least one associated non-warranty workorder with a reprogramming. This is conservative because, as noted above, there is a substantial portion of reprogramming events in the [REDACTED] data that I was unable to merge to particular workorders in the [REDACTED] data. It is also conservative because many Damages Class members would be expected to have multiple pieces of Deere Large Ag Equipment. Thus, even if there was no record of a workorder with a reprogramming for a particular PIN, that PIN may still be associated with an owner that had other Deere Large Ag Equipment with a reprogramming workorder.⁵⁹⁵

286. Second, because the [REDACTED] data is based on “hours worked” rather than “hours invoiced” I adjust the hours, to account for the average difference in “hours worked” and “hours invoiced” as found in the [REDACTED] data. Specifically, I find that in the [REDACTED] data, on average, hours

⁵⁹³ [REDACTED].

⁵⁹⁴ To calculate this percentage, I use a subset of the [REDACTED] data that includes all observations for Large Ag Equipment that had at least one non-warranty reprogramming. From this subset, I drop observations where the fields [REDACTED] or [REDACTED] are 0 or missing. To exclude outliers, I also only keep observations where the labor rate [REDACTED] is greater than 40 and less than 250. I then divide the total number of hours worked where the job type is retail from the total number of hours worked where the job type is anything other than a warranty job. I find that in the [REDACTED] data, on average, retail hours worked make up 85.6 percent of non-warranty hours worked.

⁵⁹⁵ It is also possible that a piece of equipment can have more than one owner during the Class Period such that a workorder with reprogramming only occurred for one of the owners of the piece of equipment. Likewise, it is possible that some of the pieces of equipment that had a workorders with reprogramming, only had the reprogramming for internal work. Nevertheless, based on the data available in this matter, I consider the labor hours associated with PINs that had at least one workorder with reprogramming to be the best available estimate of the relevant labor hours for Damages Class members.

invoiced are 3.9 percent lower than hours worked.⁵⁹⁶ As a result, I multiply the [REDACTED] hours by 96.1 percent.

Table 19: Estimation of Relevant Retail Hours Invoiced

Product Category	[REDACTED] Non-Warranty Labor Hours Worked	[REDACTED] Retail Labor Hours Worked	[REDACTED] Retail Labor Hours Invoiced
	[a]	[b] = [a] * 85.6%	[c] = [b] * 96.1%
Cotton Pickers	589,792	504,796	484,971
Cotton Strippers	134,053	114,734	110,228
Large Combines	8,408,702	7,196,907	6,914,255
Large Tractors	8,723,860	7,466,647	7,173,402
Self-Propelled Sprayers	2,319,026	1,984,827	1,906,875
Total	20,175,433	17,267,911	16,589,731

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data.

Notes:

[a]: The sum of [REDACTED] non-warranty labor hours worked for equipment with at least one non-warranty reprogramming.

[b]: The 85.6 percent represents the ratio of [REDACTED] retail labor hours to [REDACTED] non-warranty labor hours. See Paragraph 284.

[c]: The 96.1 percent is the ratio of hours invoiced to hours worked in [REDACTED]. See Paragraph 286.

287. The next step is to apply the relevant labor hours by the appropriate labor rate. To calculate the appropriate labor rate, I rely on two available sources for labor rates—the [REDACTED] data, which provides the labor rates for the Dealers that provided transaction data in this case and Warranty Claims data, which provides both the labor dollars and the hours worked for warranty claims submitted by Dealers to Deere.⁵⁹⁷ The labor rates that I find in the [REDACTED] data have the advantage of being based on actual retail transactions (i.e., where the labor charges were paid for by Damages Class members and other customers). The [REDACTED] data reflects any discounts or other differences in the labor charged for Retail transactions that may not be reflected in the warranty claims data. The Warranty Claims data has the advantage of covering all Dealers, rather

⁵⁹⁶ This percentage is based on the ratio of total number of hours invoiced to the total number of hours worked for retail jobs. I use the same data subset and exclusions used to calculate the percentage of non-warranty repair hours that are retail repairs.

⁵⁹⁷ The Warranty Claims data contains records of the claims submitted by Dealers to Deere for warranty reimbursement for agricultural equipment from November 2014 through October 2024, and includes information about each claim submitted, such as claim number, claim received date, equipment PINs, parts at issue, Dealer information, labor hours associated with the claim, and amounts paid by Deere for labor.

than being limited to the set of Dealers that provided useable transaction data in this case. The Warranty Claims data also has the advantage of providing labor rates for 2023 and 2024 while the [REDACTED] data ends in 2022.

288. My approach for estimating the relevant labor rates takes advantage of both sets of data. I calculate the weighted average labor rate in the Warranty Claims data in each year for all Dealers for Large Ag Equipment and for the Dealers that provided [REDACTED] data.⁵⁹⁸ As shown in Table 20 below, the warranty rates for the [REDACTED] Dealers follow the same pattern over time, but the [REDACTED] Dealers have rates that are somewhat higher on average than the full set of Dealers.

Table 20: Comparison of Warranty Labor Rates for [REDACTED] Dealers and All Dealers

Year	Warranty Labor Rate for [REDACTED] Dealers	Warranty Labor Rate for All Dealers	Ratio of All Dealers to [REDACTED] Dealers
	[a]	[b]	[c] = [b] / [a]
Jan 10, 2018 - Dec 2018	\$127	\$120	94.5%
2019	\$132	\$126	95.9%
2020	\$134	\$129	96.1%
2021	\$139	\$134	96.4%
2022	\$152	\$147	97.1%
2023		\$159	
2024		\$171	

Source: Deere Warranty Claims Data; Deere [REDACTED] Data; Deere [REDACTED] Data.

Notes:

[a]: The warranty labor rates calculated by year from the Warranty Claims Data for Dealers that provided [REDACTED] Data.

[b]: The warranty labor rates calculated by year for all Dealers in the Warranty Claims Data. The Warranty Claims Data is available through October 31, 2024.

289. I apply the percentage difference in each year to the actual [REDACTED] labor rates to get an estimate of the average Retail labor rates across all of Deere's Dealers. To estimate the labor rate for 2023 and 2024, I apply the percentage change in warranty labor rates for all Dealers in 2023 and 2024 to my estimated labor rate for 2022, as shown in Table 21.

⁵⁹⁸ I only keep observations where the Warranty Claims data labor rate is greater than 40 and less than 250. To calculate the warranty labor rate for the [REDACTED] Dealers, I include the set of Dealer Numbers in each year that are present in the [REDACTED] data for that year.

Table 21: Estimate of Annual All Dealer Average Retail Labor Rates

Year	██████ Dealers Retail Labor Rate	All Dealers Labor Rate Conversion Multiplier	All Dealers Retail Labor Rate
	[a]	[b]	[c] = [a] * [b]
Jan 10, 2018 - Dec 2018	\$112	94.5%	\$106
2019	\$117	95.9%	\$112
2020	\$123	96.1%	\$118
2021	\$129	96.4%	\$125
2022	\$139	97.1%	\$135
2023			\$145
2024			\$157

Sources: Deere Warranty Claims Data; Deere ██████ Data; Deere ██████ Data.

Notes:

[b]: Calculated in [c] of Table 20.

[c]: Because the ██████ data only runs through 2022, the labor rates for 2023 and 2024 are estimated based on the percentage growth of the warranty labor rate from 2022 to 2023 and from 2023 to 2024, respectively, for all Dealers shown in [b] of Table 20.

290. I then multiply the relevant labor hours in each year by this estimated average annual retail labor rate across all Dealers. This provides my estimate of the relevant Damages Class commerce in each year as shown in Table 22 below.

Table 22: Estimate of Relevant Damages Class Commerce

Year	██████ Retail Labor Hours Invoiced	All Dealers Retail Labor Rate	Relevant Commerce
	[a]	[b]	[c] = [a] * [b]
Jan 10, 2018 - Dec 2018	2,137,690	\$106	\$226,806,707
2019	2,450,802	\$112	\$273,900,038
2020	2,676,290	\$118	\$315,599,136
2021	2,699,186	\$125	\$336,446,489
2022	2,840,158	\$135	\$383,356,931
2023	2,891,791	\$145	\$420,119,643
Jan 2024 - May 16, 2024	893,814	\$157	\$140,142,672
Total	16,589,731		\$2,096,371,615

Sources: Deere Warranty Claims data; Deere ██████ data; Deere ██████ data.

Notes:

[a]: Annual breakdown of the total ██████ Retail Labor Hours Invoiced that are estimated in [c] of Table 19.

[b]: Shown in [c] of Table 21.

291. To calculate damages in each year, I multiply the commerce by my estimated overcharge range of 7.4 percent to 15.0 percent. I apply an adjustment to account for the commerce that has occurred since the end date of the [REDACTED] data that has been produced in this case. The [REDACTED] data ends on May 16, 2024. In 2023, 34.5 percent of the relevant labor hours in [REDACTED] occurred between January 1, 2023 and May 16, 2023. It is reasonable to expect that the same seasonality occurred in 2024. As a result, in order to estimate damages for the remainder of 2024, I multiply the January 2024 to May 16, 2024 damages by $[(1-0.345)/0.345]$. I use a similar approach to estimate 2025 damages through July. Specifically, I multiply full-year 2024 damages by the portion of 2023 relevant labor hours that took place from January to July 2023, 54.8 percent. As shown in Table 23 below, I estimate damages of \$190.0 million to \$387.3 million.

Table 23: Estimate of Class-Wide Damages

Year	Relevant Commerce	7.4% Overcharge Damages	15% Overcharge Damages
	[a]	[b] = [a] * 7.4%	[c] = [a] * 15.0%
Jan 10, 2018 - Dec 2018	\$226,806,707	\$16,678,912	\$33,986,758
2019	\$273,900,038	\$20,142,061	\$41,043,647
2020	\$315,599,136	\$23,208,529	\$47,292,215
2021	\$336,446,489	\$24,741,602	\$50,416,170
2022	\$383,356,931	\$28,191,302	\$57,445,653
2023	\$420,119,643	\$30,894,758	\$62,954,508
Jan 2024 - May 16, 2024	\$140,142,672	\$10,305,812	\$21,000,239
May 17, 2024 - Dec 2024		\$19,528,921	\$39,794,246 [d]
Jan 2025 - Jul 2025		\$16,355,818	\$33,328,388 [e]
Total		\$190,047,715	\$387,261,825

Sources: Deere Warranty Claims Data; Deere [REDACTED] Data; Deere [REDACTED] Data.

Notes:

[a]: Shown in [c] of Table 22.

[b]: The 7.4 percent represents the estimated overcharge shown in Table 17.

[c]: The 15.0 percent represents the estimated overcharge shown in Table 18.

[d]: To estimate damages for the remainder of 2024, the 2024 damages through May 16, 2024 are multiplied by $[(1-0.345)/0.345]$. See Paragraph 291.

[e]: To estimate damages for January through July 2025, the total 2024 damages are multiplied by 54.8 percent. See Paragraph 291.

B. Additional Damages for Class Members that Would Have Done Self-Repair or Used Independent Mechanics in the But-For World

292. The class-wide damages estimated above measure the difference in what Damages Class members actually paid to Dealers and what they would have paid to Dealers in the but-for world for the identical service that they purchased in the actual world. As noted above, I conclude that all or nearly all Damages Class members were impacted based on the lower prices that Dealers would have charged in the but-for world. I also provide additional damages estimates that can be calculated on a formulaic basis that considers the but-for costs for those Damages Class members that would not have gone to Dealers in the but-for world.

293. These additional damages are based on the difference in the labor rate actually charged by the Dealer and the hourly cost the Damages Class members would have incurred in the but-for world from either self-repair or taking their equipment to independent mechanics.

294. In order to estimate these damages it is necessary to: (1) estimate the portion of Damages Class commerce that would have engaged in self-repair in the but-for world based on evidence that is common to the Damages Class; (2) estimate the portion of Damages Class commerce that would have gone to independent mechanics in the but-for world based on evidence that is common to the Damages Class; (3) estimate the percentage difference in but-for Dealer labor rates and the cost to Damages Class members for self-repair using evidence that is common to the Damages Class; and (4) estimate the percentage difference in but-for Dealer labor rates and independent mechanic labor rates using evidence that is common to the Damages Class. Since I use the but-for Dealer labor rates rather than the actual average Dealer labor rates in this analysis, these alternative damages are additive to the damages that I estimate in the class-wide approach described in Section IX.A above, rather than being duplicative of the damages estimate based on the difference in actual and but-for Dealer labor rates.

295. In order to estimate the portion of commerce that would have been self-repair or through an independent mechanic in the but-for world, I rely on a January 2018 survey conducted of Deere equipment owners on their repair preferences.⁵⁹⁹ The survey covered Deere's R4 region which includes the U.S., Canada, Australia, and New Zealand, but 85 percent of the survey participants were from the U.S.⁶⁰⁰ [REDACTED]

[REDACTED]

[REDACTED]⁶⁰¹ [REDACTED]

[REDACTED]

[REDACTED]⁶⁰² As discussed above, in the world in which independent mechanics were able to acquire Service Advisor, independent mechanics would have been in a much better position to compete with Dealers. The survey found that the number one reason that farmers chose to self-repair or chose independent mechanics was the cost savings for doing so.⁶⁰³

⁵⁹⁹ [REDACTED]. My use of this survey is conservative as a measure of what would have occurred in the but-for world because the percentages of respondents indicating self-repair or use of independent mechanics is likely skewed by the fact that respondents did not have access to Dealer Service Advisor, and were thus more likely to need to go to Dealers for repairs.

⁶⁰⁰ [REDACTED].

⁶⁰¹ [REDACTED].

⁶⁰² [REDACTED].

⁶⁰³ [REDACTED].

296. The survey found that 20 percent of customers (for model year 2011 or earlier equipment) conducted their own major repairs on Large Ag Machines while 23 percent of customers took their Large Ag Machines to an independent repair shop for major repairs.⁶⁰⁴ The survey also found that 78 percent of customers took their Large Ag Machines (model year 2011 or earlier) to Deere Dealers for major repairs.⁶⁰⁵ Since these numbers add up to over 100 percent, it follows that survey respondents could select more than one answer. However, because 22 percent of respondents did not indicate going to the Dealer for major repairs, it indicates that 22 percent of survey respondents always either did self-repair or went to independent mechanics.⁶⁰⁶

297. The survey presentation notes that the survey panel is not necessarily reflective of the broader market.⁶⁰⁷ However, it is a survey that Deere chose to conduct so that it could

_____ and to
_____.⁶⁰⁸ As I describe, I use the results of this survey as part of my estimate of conservative measures of incremental self-repair and use of independent mechanics in the but-for world.

298. A particularly conservative measure of the percentage of major repairs that would be done as self-repair or through an independent repair shop is the 22 percent who indicate not going to the Dealer for major repairs. This is effectively the lower bound given that at least some respondents who did indicate going to the Dealer for major repairs would also have indicated doing major repairs themselves or going to independent mechanics for major repairs. To split this 22 percent into self-repair and independent mechanics, I rely on the ratio of the percentage of respondents indicating the use of self-repair for major repairs to the percentage indicating the use of independent mechanics for major repairs. Specifically, 20 percent divided by 43 percent multiplied by 22 percent (or 10.2 percent) for self-repair and 23 percent divided by 43 percent multiplied by 22 percent (or 11.8 percent) for independent mechanics.

604 [REDACTED]
605 [REDACTED] Major repairs were described as “engine rebuilds, transmission repair, overhauls, etc.” as opposed to minor repairs which were described as “changing fluids, filters, or wear parts, etc.” *See*

606 [REDACTED]
607 [REDACTED]
608 [REDACTED]

299. Another reasonable approach to determine the percentage of major repairs that would be done as self-repair or through an independent mechanic is based on the ratio of survey respondents' choices of self-repair, independent mechanic, and Dealer. Under this approach, 35.5 percent of major repairs would be done as self-repair or through an independent mechanic.⁶⁰⁹ To split this 35.5 percent into self-repair and independent mechanics, I rely on the ratio of the percentage of respondents indicating the use of self-repair for major repairs to the percentage indicating the use of independent mechanics for major repairs. Specifically, 20 percent divided by 43 percent multiplied by 35.5 percent (or 16.5 percent) for self-repair and 23 percent divided by 43 percent multiplied by 35.5 percent (or 19.0 percent) for independent mechanics.

300. In order to estimate a range of incremental hours of labor that would be performed as self-repair in the but-for world, I apply 10.2 percent to the hours in each year associated with workorders that include at least one reprogramming on Large Ag Equipment as my low estimate and apply 16.5 percent as a higher, but still conservative, estimate. Likewise, to estimate a range of incremental hours of labor that would have gone to independent mechanics in the but-for world, I apply 11.8 percent to the hours in each year associated with workorders that include at least one reprogramming for Large Ag Equipment as my low estimate and 19.0 percent as a higher, but still conservative estimate. I use the set of workorders that involved at least one reprogramming because this is the smallest set of workorders that could not have been completed as self-repair or through an independent mechanic without Dealer assistance.

301. In order to calculate the but-for self-repair labor hours and the but-for independent mechanic labor hours I first: (1) take the total labor hours in each year associated with workorders that include at least one reprogramming on Large Ag Equipment in [REDACTED] as found in Table 13 above; and (2) multiply these labor hours by the share of "Retail" transactions in the [REDACTED] data for workorders that had at least one reprogramming event between January 10, 2018 through October 22, 2022. This calculation is shown in Table 24 below.

⁶⁰⁹ (20 percent + 23 percent) / (20 percent + 23 percent + 78 percent).

Table 24: Estimate of [REDACTED] Retail Labor Hours Invoiced for Workorders with Reprogramming

Year	[REDACTED] Non-Warranty Labor Hours Worked	[REDACTED] Retail Labor Hours Worked	[REDACTED] Retail Labor Hours Invoiced
	[a]	[b] = [a] * 85.6%	[c] = [b] * 96.1%
Jan 10, 2018 - Dec 2018	641,239	548,829	527,274
2019	720,888	617,000	592,767
2020	831,912	712,024	684,060
2021	910,008	778,865	748,276
2022	994,110	850,847	817,431
2023	1,039,175	889,418	854,487
Jan 2024 - May 16, 2024	345,745	295,919	284,297
Total	5,483,079	4,692,902	4,508,593

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data.

Notes:

[a]: Non-warranty labor hours worked for workorders with at least one reprogramming. For workorders involving both warranty and non-warranty jobs it assumed reprogramming was tied to the warranty job and thus excluded. See Table 13.

[b]: The 85.6 percent represents the ratio of [REDACTED] retail labor hours to [REDACTED] non-warranty labor hours. See Paragraph 284.

[c]: The 96.1 percent is the ratio of hours invoiced to hours worked in [REDACTED] See Paragraph 286.

302. I then apply the 10.2 percent and 16.5 percent to estimate a range of the additional hours of labor that would have been performed as self-repair by the Damages Class members in the but-for world. Likewise, I apply the 11.8 and 19.0 percent to estimate a range of the additional hours of labor for which Damages Class members would have used independent mechanics. Table 25 below shows these calculations.

Table 25: Estimation of Additional But-For Self-Repair and Independent Mechanic Labor Hours

Year	Retail Labor Hours Invoiced	22% Estimate		35.5% Estimate	
		Self-Repair But-For Labor Hours	Independent Mechanic But-For Labor Hours	Self-Repair But-For Labor Hours	Independent Mechanic But-For Labor Hours
	[a]	[b] = [a] * 10.2%	[c] = [a] * 11.8%	[d] = [a] * 16.5%	[e] = [a] * 19%
Jan 10, 2018 - Dec 2018	527,274	53,954	62,047	87,062	100,121
2019	592,767	60,655	69,754	97,876	112,557
2020	684,060	69,997	80,496	112,949	129,892
2021	748,276	76,568	88,053	123,553	142,085
2022	817,431	83,644	96,191	134,971	155,217
2023	854,487	87,436	100,551	141,090	162,253
Jan 2024 - May 16, 2024	284,297	29,091	33,455	46,942	53,983
Total	4,508,593	461,344	530,546	744,442	856,108

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data; [REDACTED].

Notes:

[a]: Shown in [c] of Table 24.

[b]: The 10.2 percent is the first estimate of the incremental self-repair share in the but-for world. See Paragraph 298.

[c]: The 11.8 percent is the first estimate of the incremental independent mechanic share in the but-for world. See Paragraph 298.

[d]: The 16.5 percent is the second estimate of the incremental self-repair share in the but-for world. See Paragraph 299.

[e]: The 19 percent is the second estimate of the incremental independent mechanic share in the but-for world. See Paragraph 299.

303. This is conservative because, as discussed above, my estimate of the hours associated with workorders that had a reprogramming does not account for the additional reprogrammings in [REDACTED] that did not match to a particular workorder in [REDACTED] or to emissions related repairs that required a restricted calibration or interactive test. It is also conservative, because as discussed above, farmers have the incentive to go to Dealers even for repairs that ultimately do not need a reprogramming because, without Service Advisor, they are not able to properly assess whether the repair will need a reprogramming that will prevent them or an independent mechanic from finishing the repair without Dealer assistance.

304. This is also conservative because in the but-for world, independent mechanics would have had improved service capabilities, and thus, have been a more attractive option for farmers both because existing independent mechanics would have been able to acquire Service Advisor and because many Dealer technicians would have been expected to leave to start competing independent mechanic businesses. Likewise, farmers would have had increased capabilities in conducting their own repairs if they had access to the diagnostic information in Service Advisor.

305. The concern by both Deere and its Dealers of the impact to their respective aftermarket businesses from Right to Repair is further evidence that my estimates of incremental self-repair and use of independent mechanics is conservative. As I note above, Deere considered Right to Repair to be [REDACTED]⁶¹⁰ Likewise, I describe above the extensive evidence of Dealer’s concern about the loss of service revenue that would be expected from further competition from independent mechanics if independent mechanics had access to Dealer Service Advisor.

306. Another reason my estimates are conservative is that I do not use the experience of automotive repair to determine the but-for share of independent mechanics. I discuss above that in a meeting discussing Right to Repair, Deere noted [REDACTED]⁶¹¹ As mentioned above, in the automotive aftermarket service industry, general repair shops are more preferred than dealers as of 2023.⁶¹²

307. To assign an hourly rate for farmers’ time when conducting their own repairs, I use the wage rate associated with “Farmers, Ranchers, and Other Agricultural Managers” from the Bureau of Labor Statistics.⁶¹³ This is a measure of what a farmer would have to pay to have somebody else to manage their farm and is thus an appropriate measure of the opportunity cost associated with taking the time to repair the equipment or an out-of-pocket expense if the farmer is paying an employee to conduct the repair. Table 26 below provides these wage rates by year.

⁶¹⁰ [REDACTED].

⁶¹¹ [REDACTED].

⁶¹² Cox Automotive, “Under the Hood: Opportunities and Challenges in the Service Industry,” December 2023. Available at: <https://www.coxautoinc.com/wp-content/uploads/2023/12/2023-Cox-Automotive-Service-Study-Summary.pdf>.

⁶¹³ Bureau of Labor Statistics, *May 2018 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2019 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2020 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2021 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2022 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2023 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>; Bureau of Labor Statistics, *May 2024 Occupational Employment and Wage Statistics*. Accessed on: July 21, 2025. Available at: <https://www.bls.gov/oes/tables.htm>.

Table 26: Hourly Wages for Farmers, Ranchers, and Other Agricultural Managers

Year	Wage Rate (\$/hr)
2018	\$38
2019	\$39
2020	\$37
2021	\$38
2022	\$40
2023	\$43
2024	\$47

Source: Bureau of Labor Statistics.

Note: Wages are reported in May of each year.

308. If a farmer conducts a repair himself or herself, it is possible that there would be zero out-of-pocket costs associated with that repair. However, it would not be appropriate to apply a zero but-for hourly rate for these repairs because there is a value to the farmer's time in conducting his or her own repairs. I note that if a machine breaks down during planting or harvest, the primary consideration for the farmer will be to get the equipment fixed (or to acquire a substitute machine) as quickly as possible given the high cost of downtime during the critical planting and harvest seasons. In those circumstances, it is likely that farmers would only use self-repair at times when it would be faster to complete the repairs themselves rather than going to Dealers. Therefore, I do not include the opportunity cost associated with lost planting or harvest time as part of the opportunity costs associated with self-repair.

309. In each year, I subtract the but-for Dealer labor rate to the "Farmers, Ranchers, and Other Agricultural Managers" wage rate from the average but-for labor rate at Dealers to find the incremental average dollar per hour savings that Damages Class members would have enjoyed from conducting self-repair rather than going to Dealers in the but-for world and apply the difference to the hours estimated in the previous step. The average but-for labor rate at Dealers is found by multiplying the actual average labor rate at Dealers by one minus the overcharge percentage. Because I provided two overcharge estimates based on two potential yardsticks, in each year there are two measures of the average but-for labor rate. In Table 27Table 27 below, I present the yearly estimates of the incremental dollar per hour savings for self-repair based on the lower overcharge rate of 7.4 percent. In Appendix C-1 I present the estimate of the incremental dollar per hour savings for self-repair based on the higher overcharge rate of 15.0

percent. For example, as shown in Table 27Table 27 below, the 2022 self-repair wage rate is \$40 compared to the but-for average labor rate of \$125 such that the incremental damages for Damages Class members that would have self-repaired in the but-for world is \$85 per hour.

Table 27: Calculation of Incremental Damages per Hour for But-For Self-Repair Using the 7.4 Percent Overcharge

Year	All Dealer Retail Labor Rate	But-For Labor Rate	Self-Repair Wage Rate (\$/hr)	Incremental Damages per Hour
	[a]	[b] = [a] * (1- 7.4%)	[c]	[d] = [b] - [c]
2018	\$106	\$98	\$38	\$60
2019	\$112	\$104	\$39	\$65
2020	\$118	\$109	\$37	\$72
2021	\$125	\$115	\$38	\$78
2022	\$135	\$125	\$40	\$85
2023	\$145	\$135	\$43	\$91
2024	\$157	\$145	\$47	\$99

Sources: Deere █████ Data; Deere █████ Data; Deere █████ Data; Deere Warranty Claims Data; Bureau of Labor Statistics.

Notes:

[a]: Shown in [c] of Table 21.

[b]: The 7.4 percent represents the estimated overcharge shown in Table 17.

[c]: Shown in Table 26.

310. The incremental damages associated with increased but-for self-repair are calculated by multiplying the estimated incremental damages per hour for self-repair by the estimated incremental hours that would have been self-repair. Because I have two estimates of incremental damages per hour for self-repair and two estimates of the incremental hours that would have been self-repair, there are a total of four estimates of incremental damages associated with but-for self-repair. In Table 28Table 28 below, I present the estimated incremental damages associated with but-for self-repair for the overcharge of 7.4 percent and the but-for self-repair of 16.5 percent. As with my overcharge damages presented above, I also estimate damages for the portion of 2024 not covered by █████ as well as through July 2025. The calculations for the other three estimates are included in Appendix C-2 to C-4. The range of damages for incremental self-repair for the four scenarios is \$40.4 million to \$74.4 million.

Table 28: Calculation of Incremental Damages for But-For Self-Repair Using the 7.4 Percent Overcharge and 16.5 Percent But-For Self-Repair

Year	But-For Self-Repair Labor Hours	Incremental Damages per Hour	Damages from But-For Self- Repair
	[a]	[b]	[c] = [a] * [b]
Jan 10, 2018 - Dec 2018	87,062	\$60	\$5,212,082
2019	97,876	\$65	\$6,353,179
2020	112,949	\$72	\$8,168,751
2021	123,553	\$78	\$9,608,812
2022	134,971	\$85	\$11,440,342
2023	141,090	\$91	\$12,873,937
Jan 2024 - May 16, 2024	46,942	\$99	\$4,624,348
May 17, 2024 - Dec 2024			\$8,762,873 [d]
Jan 2025 - Jul 2025			\$7,339,062 [e]
Total			\$74,383,387

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Bureau of Labor Statistics.

Note:

[a]: Shown in [d] of Table 25.

[b]: Shown in [d] of Table 27.

[d]: To estimate damages for the remainder of 2024, the 2024 damages through May 16, 2024 are multiplied by $[(1-0.345)/0.345]$. See Paragraph 291.

[e]: To estimate damages for January through July 2025, the total 2024 damages are multiplied by 54.8 percent. See Paragraph 291.

311. I next estimate incremental damages for but-for use of independent mechanics. These damages per hour are based on the difference between the independent mechanic labor rate and the but-for Dealer rate. As discussed above, Deere tracked the labor rates for independent mechanics due to the need to pay warranty claims associated with the repair of Deere's all-makes parts. As shown in Table 29 below, in 2022, the average independent mechanic rate was \$85 per hour. Because Deere paid all-makes warranty claims based on shop rates (i.e., labor performed at the Dealer site rather than in the field), I compare this independent mechanic rate to the 2022 average Dealer shop rate.⁶¹⁴ In 2022, the weighted average Dealer shop labor rate is estimated to be \$132 per hour. This \$132 per hour rate is calculated by first taking the weighted average shop price from the [REDACTED] data (\$136 per hour) and then adjusting for the small

⁶¹⁴ See [REDACTED].

differences between the labor rates for the Dealers in the [REDACTED] data and all of Deere's Dealers. To calculate the but-for Dealer shop labor rate in 2022, I multiply by one minus the overcharge percentage. Because I have two estimates of the overcharge percentage, I also have two estimates of the but-for Dealer shop rate of \$122 per hour based on an overcharge of 7.4 percent and \$112 per hour based on an overcharge rate of 15.0 percent.⁶¹⁵ As a result, I find that Damages Class members that would have gone to independent mechanics would have saved between an additional 24.0 percent and 30.2 percent.

Table 29: Calculation of Incremental Savings Percent from Use of Independent Mechanics

Overcharge Estimate	[REDACTED] Dealers Shop-Only Labor Rate	All Dealers Shop-Only Labor Rate	But-For Shop-Only Labor Rate	Independent Mechanic Average Labor Rate	Incremental Savings Percent
[a]	[b]	[c] = [b] * 97.1%	[d] = [c] * (1 - [a])	[e]	[f] = 1 - ([e] / [d])
7.4%	\$136	\$132	\$122	\$85	30.2%
15.0%	\$136	\$132	\$112	\$85	24.0%

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data; [REDACTED].

Notes:

[a]: The 7.4 percent represents the estimated overcharge shown in Table 17. The 15.0 percent represents the estimated overcharge shown in Table 18.

[c]: The 97.1 percent is shown in [c] of Table 20 for year 2022.

[e]: The 2022 independent mechanic rate shown in Table 14.

312. I apply this 30.2 percent based on an overcharge rate of 7.4 percent and the 24.0 percent based on an overcharge rate of 15.0 percent to the but-for labor rates calculated in Table 27 above to get the range of incremental average dollar per hour savings in each year that Damages Class members would have enjoyed from going to independent mechanics in the but-for world as shown in Table 30.

⁶¹⁵ Because the data for independent mechanic labor rates does not start until November 2021 and the [REDACTED] data ends in October 2022, I use 2022 for this comparison.

Table 30: Calculation of Incremental Damages Per Hour for But-For Use of Independent Mechanics

Year	<u>7.4% Overcharge</u>		<u>15.0% Overcharge</u>	
	But-For Dealer Labor Rate	Incremental Damages per Hour	But-For Dealer Labor Rate	Incremental Damages per Hour
	[a]	[b] = [a] * 30.2%	[c]	[d] = [c] * 24.0%
2018	\$98	\$30	\$90	\$22
2019	\$104	\$31	\$95	\$23
2020	\$109	\$33	\$100	\$24
2021	\$115	\$35	\$106	\$25
2022	\$125	\$38	\$115	\$28
2023	\$135	\$41	\$124	\$30
2024	\$145	\$44	\$133	\$32

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data; [REDACTED].

Notes:

[a]: Shown in [b] of Table 27.

[b]: The 30.2 percent represents the estimated incremental savings shown in [f] of Table 29.

[c]: Shown in [b] of Appendix C-1.

[d]: The 24.0 percent represents the estimated incremental savings shown in [f] of Table 29.

313. Because I have two estimates of incremental damages per hour for self-repair and two estimates of the estimated incremental hours that would have been self-repair, there are a total of four estimates of incremental damages associated with but-for self-repair. In Table 31 below, I present the estimated incremental damages associated with the use of independent mechanics overcharge of 7.4 percent and the but-for independent mechanic use of 19.0 percent. These incremental damages are calculated by multiplying the estimated incremental damages per hour for use of independent mechanics by the estimated incremental hours that would have gone to independent mechanics. As with my overcharge damages presented above, I also estimate damages for the portion of 2024 not covered by [REDACTED] as well as through July 2025. The calculations for the other three estimates are included in Appendix C-5 to C-7. The range of damages for incremental use of independent mechanics in the but-for world for the four scenarios is \$17.5 million to \$38.9 million.

Table 31: Incremental Damages Associated with But-For Use of Independent Mechanics Using the 7.4 Percent Overcharge and 19.0 Percent But-For Use of Independent Mechanics

Year	But-For Independent Mechanic Labor Hours	Incremental Damages per Hour	Damages from But- For Independent Mechanic Use
	[a]	[b]	[c] = [a] * [b]
Jan 10, 2018 - Dec 2018	100,121	\$30	\$2,975,756
2019	112,557	\$31	\$3,523,854
2020	129,892	\$33	\$4,290,881
2021	142,085	\$35	\$4,961,290
2022	155,217	\$38	\$5,868,968
2023	162,253	\$41	\$6,603,302
Jan 2024 - May 16, 2024	53,983	\$44	\$2,371,079
May 17, 2024 - Dec 2024			\$4,493,059 [d]
Jan 2025 - Jul 2025			\$3,763,017 [e]
Total			\$38,851,206

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data; [REDACTED].

Note:

[a]: As shown in [e] of Table 25.

[b]: As shown in [b] of Table 30

[d]: To estimate damages for the remainder of 2024, the 2024 damages through May 16, 2024 are multiplied by $[(1-0.345)/0.345]$. See Paragraph 291.

[e]: To estimate damages for January through July 2025, the total 2024 damages are multiplied by 54.8 percent. See Paragraph 291.

314. As shown in Table 32 below, adding incremental damages for but-for self-repair and incremental damages for but-for use of independent mechanics yields total incremental damages of \$57.9 million to \$113.2 million.⁶¹⁶

⁶¹⁶ The annual breakdown for the four scenarios are shown in Appendix C-8 to C-11.

Table 32: Total Incremental Damages from But-For Self-Repair and Independent Mechanic Use

Overcharge	But-For Non-Dealer %	Damages from But-For Self-Repair	Damages from But-For Independent Mechanic Use	Total Damages
		[a]	[b]	[a] + [b]
15.0%	22%	\$40,393,448	\$17,518,063	\$57,911,511
7.4%	22%	\$46,096,747	\$24,076,804	\$70,173,551
15.0%	35.5%	\$65,180,337	\$28,267,784	\$93,448,120
7.4%	35.5%	\$74,383,387	\$38,851,206	\$113,234,594

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; Deere Warranty Claims Data; Bureau of Labor Statistics; [REDACTED]

C. Additional Damages for Downtime that Would Have Been Avoided with Incremental Self-Repair or Use of Independent Mechanics

315. I discussed above that one of the sources of harm to competition in this matter is the increased downtime that farmers endure due to not being able to complete their own Repair Services or to have independent mechanics complete Repair Services. I have been asked by counsel for Plaintiffs to provide an estimate of the costs to Damages Class members from additional downtime that was incurred due to Deere's restrictions.

316. For this estimate, I use the same general framework that Deere uses when it estimates the incremental value to customers from Dealer use of certain tools. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]⁶¹⁷

317. In this case, the total number of events is represented by the number of additional workorders that would have been completed by farmers or independent mechanics rather than by Deere in the but-for world.⁶¹⁸ Denver Caldwell testified that when a tractor breaks down: [REDACTED]

⁶¹⁷ [REDACTED]. Deere's formula includes Cost per Hour of Repair so that it can also estimate out-of-pocket savings for reduced technician time. However, this term is not relevant for estimating downtime costs.

⁶¹⁸ For Deere, the [REDACTED] refers to the number of times a technology or approach was used to reduce downtime. [REDACTED]

319. As in my analysis of the incremental hours of labor that would have been conducted as self-repair or through independent mechanics, when estimating the incremental workorders that would have been completed as self-repair or independent mechanics, I rely on the results of the January 2018 survey.⁶²¹ Similar to my analysis of incremental hours of labor that would have been conducted as self-repair or through independent mechanics, I take the 22 percent of survey respondents that did not indicate use of a Dealer for major repairs as a lower bound for the incremental percent of relevant workorders that would have been completed as self-repair or through an independent mechanic.⁶²² Likewise, as another reasonable estimate, I use the ratio of survey respondents' choices of self-repair, independent mechanic, and Dealer to find that 35.5 percent of relevant workorders would have been completed as self-repair or through an independent mechanic.

619 [REDACTED]

621 [REDACTED]

157

Table 33: Calculation of But-For Incremental Workorders for Self-Repair and Independent Mechanics

Year	Non-Warranty Workorders With Reprogramming	Retail Workorders	But-For Incremental Self-Repair and Independent Mechanic Workorders (22 percent)	But-For Incremental Self-Repair and Independent Mechanic Workorders (35.5 percent)
	[a]	[b] = [a] * 82.8%	[c] = [b] * 22%	[d] = [b] * 35.5%
Jan 10, 2018 - Dec 2018	34,258	28,361	6,239	10,068
2019	37,444	30,999	6,820	11,005
2020	43,408	35,936	7,906	12,757
2021	44,863	37,141	8,171	13,185
2022	48,504	40,155	8,834	14,255
2023	51,212	42,397	9,327	15,051
Jan 2024 - May 16, 2024	17,146	14,195	3,123	5,039
Total	276,835	229,184	50,421	81,360

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; [REDACTED].

Notes:

[a]: Non-warranty workorders with at least one reprogramming in [REDACTED]

[b]: The 82.8 percent represents the ratio of [REDACTED] workorders with only retail jobs compared to [REDACTED] non-warranty workorders, across equipment that had at least one non-warranty reprogramming.

[c]: 22 percent is the lower estimate of incremental self-repair and independent workorders in the but-for world. See Paragraph 319.

[d]: 35.5 percent is the higher estimate of incremental self-repair and independent workorders in the but-for world. See Paragraph 319.

321. My methodology for determining the number of relevant workorders for calculating reduced downtime cost in the but-for world is conservative. I understand that a substantial amount of downtime is due to problems with emissions systems.⁶²³ As discussed above, I understand that Repair Services associated with emissions related repairs, i.e., ones that involve restricted calibrations and interactive tests are not necessarily captured by workorders that have matched reprogrammings. In addition, I am only including workorders with a matched reprogramming. As discussed above, absent access to Service Advisor, farmers had the incentive to go to the Dealer even if the repair ultimately did not require a reprogramming due to the difficulty with diagnosing the needed repairs and the uncertainty of whether the repair would ultimately require reprogramming.

322. The cost per hour of downtime is a measure of the harm to the farmer from losing an hour of productivity with the equipment.⁶²⁴ [REDACTED]

⁶²³ [REDACTED].

⁶²⁴ Deere's formula says "Cost Per hour of downtime or Repair" because Deere's analysis also included the savings to customers of avoiding out-of-pocket costs associated with paying for technician time. [REDACTED].

⁶²⁵ [REDACTED] (See, notes at the bottom of the slide indicating 500,000 of downtime causing harm of \$400 million).

323. The last two terms that are needed for applying Deere’s formula for valuing the reduction in downtime is the percentage of times that self-repair or use of independent mechanics would result in reduced downtime⁶²⁷ and the number of hours of downtime saved on average.⁶²⁸ For purposes of this calculation, I conservatively assume that on average, each workorder performed by Dealers in the actual world that would have that would have been self-repair or completed by independent mechanics in the but-for world is associated with one to two fewer hours of downtime.⁶²⁹ As noted above, Deere used one hour as the assumed amount of downtime saved when a Dealer used Service Advisor Remote to complete a reprogramming that otherwise would have resulted in a technician needing to travel to the farm.⁶³⁰ But the time it takes for a Dealer to travel to the farm (or for a farmer to take its broken Large Ag Equipment to the Dealer) is only one form of saved downtime. The additional downtime incurred includes the time in between when the Deere Large Ag Equipment needs service and the time it takes for a Dealer technician to be available to service the machine. As Deere recognizes: [REDACTED]

[REDACTED]⁶³¹ Likewise, Deere recognizes: [REDACTED]

[REDACTED]⁶³² Customers would also save time when using independent mechanics when Deere technicians were not readily available. Therefore, even if not every additional workorder that customers would have completed themselves or for which customers would have used an independent mechanic would have resulted in saving of downtime, my assumption of one to two hours of downtime saved on average per workorder is conservative.

626 [REDACTED]

627 [REDACTED]. This is [REDACTED] in Deere’s formula.

628 [REDACTED]. This is [REDACTED] in Deere’s formula.

629 [REDACTED]. This one hour represents the multiplication of [REDACTED]

630 [REDACTED].

631 [REDACTED].

632 [REDACTED].

324. Because I have two estimates for the percentage of workorders involving reprogramming that would have been completed as self-repair or through independent mechanics and I have two estimates of the average number of hours of downtime saved per workorder that would have been completed as self-repair or through independent mechanics, I have a range of damage estimates for Damages Class members associated with increased downtime due to Deere's restrictions. In Table 34 below, I show the damages associated with the more conservative estimate of the number of relevant workorders while Table 35 shows damages with the higher estimate of relevant workorders. Overall, I find a range of damages associated with reduced downtime of \$49.0 million to \$158.3 million.

Table 34: Incremental Damages for Reduced Downtime Using the 22 Percent But-For Non-Dealer Estimate

Year	But-For Incremental Self- Repair and Independent Mechanic Workorders (22 percent)	Value of Reduced Downtime (1 hour)	Value of Reduced Downtime (2 hours)
	[a]	[b] = [a] * 1hrs * \$800/hr	[c] = [a] * 2hrs * \$800/hr
Jan 10, 2018 - Dec 2018	6,239	\$4,991,590	\$9,983,180
2019	6,820	\$5,455,809	\$10,911,618
2020	7,906	\$6,324,798	\$12,649,597
2021	8,171	\$6,536,800	\$13,073,601
2022	8,834	\$7,067,315	\$14,134,631
2023	9,327	\$7,461,887	\$14,923,773
Jan 2024 - May 16, 2024	3,123	\$2,498,272	\$4,996,544
May 17, 2024 - Dec 2024		\$4,734,082	\$9,468,164 [d]
Jan 2025 - Jul 2025		\$3,964,878	\$7,929,755 [e]
Total	50,421	\$49,035,432	\$98,070,863

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; [REDACTED]

Notes:

[a] Shown in [c] of Table 33.

[b] 1 hour is the lower estimate of reduced downtime in the but-for world. \$800/hr is the estimated incremental cost of downtime to farmers. See Paragraphs 322 and 323.

[c] 2 hours is the higher estimate of reduced downtime in the but-for world. \$800/hr is the estimated incremental cost of downtime to farmers. See Paragraphs 322 and 323.

[d]: To estimate damages for the remainder of 2024, the 2024 damages through May 16, 2024 are multiplied by $[(1 - 0.345)/0.345]$. See Paragraph 291.

[e]: To estimate damages for January through July 2025, the total 2024 damages are multiplied by 54.8 percent. See Paragraph 291.

Table 35: Incremental Damages for Reduced Downtime Using the 35.5 Percent But-For Non-Dealer Estimate

Year	But-For Incremental Self- Repair and Independent Mechanic Workorders (35.5 percent)	Value of Reduced Downtime (1 hour)	Value of Reduced Downtime (2 hours)
	[a]	[b] = [a] * 1hrs * \$800/hr	[c] = [a] * 2hrs * \$800/hr
Jan 10, 2018 - Dec 2018	10,068	\$8,054,611	\$16,109,223
2019	11,005	\$8,803,692	\$17,607,383
2020	12,757	\$10,205,925	\$20,411,849
2021	13,185	\$10,548,019	\$21,096,038
2022	14,255	\$11,404,077	\$22,808,154
2023	15,051	\$12,040,772	\$24,081,543
Jan 2024 - May 16, 2024	5,039	\$4,031,303	\$8,062,605
May 17, 2024 - Dec 2024		\$7,639,087	\$15,278,174 [d]
Jan 2025 - Jul 2025		\$6,397,871	\$12,795,742 [e]
Total	81,360	\$79,125,355	\$158,250,711

Sources: Deere [REDACTED] Data; Deere [REDACTED] Data; Deere [REDACTED] Data; [REDACTED].

Notes:

[a] Shown in [d] of Table 33.

[b] 1 hour is the lower estimate of reduced downtime in the but-for world. \$800/hr is the estimated incremental cost of downtime to farmers. See Paragraphs 322 and 323.

[c] 2 hours is the higher estimate of reduced downtime in the but-for world. \$800/hr is the estimated incremental cost of downtime to farmers. See Paragraphs 322 and 323.

[d]: To estimate damages for the remainder of 2024, the 2024 damages through May 16, 2024 are multiplied by $[(1-0.345)/0.345]$. See Paragraph 291.

[e]: To estimate damages for January through July 2025, the total 2024 damages are multiplied by 54.8 percent. See Paragraph 291.

X. Conclusion

325. Based on my analyses and research into the agricultural equipment and aftermarket repair of agricultural equipment industries, as well as my experience in economics and agricultural economics, I have concluded that common economic evidence demonstrates that the relevant antitrust markets for purposes of analyzing Deere's restraints are the U.S. market for Large Ag Equipment and the U.S. market for Repair Services, and that Deere possesses substantial market power in both markets. I have further concluded that Deere had the economic incentive to exercise its market power in the Repair Services market by foreclosing 100 percent of the Repair Services market from competition from farmers and independent mechanics. I also conclude that Deere's conduct is anticompetitive and that farmers had to pay more for Repair Services and

other repairs on Deere Large Ag Equipment, as well as incur additional costly downtime, than they would have but for Deere's conduct.

326. I have concluded that all or nearly all Damages Class members are impacted by Deere's conduct. Damages Class members incurred an estimated \$190.0 million to \$387.3 million of damages from Dealers charging artificially high labor rates on Repair Services and other repairs of Large Ag Equipment. I have further estimated incremental damages of \$57.9 million to \$113.2 million in the form of increased costs incurred by Damages Class members that would have done self-repair or used an independent mechanic but-for Deere's conduct. Finally, I have estimated damages of \$49.0 million to \$158.3 million associated with increased downtime due to Deere's conduct.