

markets.⁸ Having grown up in the Shenandoah Valley, historically the breadbasket of the American South, I acknowledge the importance of farmers to the American way of life. I recognize that the right to repair one's own equipment matters a great deal. And I favor right-to-repair legislation.⁹ But I must dissent from the filing of today's Complaint on three procedural grounds.

First, given the timing of this filing, today's action appears to be one taken in haste to beat President Trump into office, and lends to the suit the stench of partisan motivation. I cannot support Commission conduct that appears to be the result of brazen partisanship. The outgoing Democratic majority's decision to bring suit mere days before the presidential inauguration does the Commission a disservice. After all, cases the Commission brings with bipartisan support are stronger.¹⁰

Second, the Democratic majority's decision shortchanges an ongoing investigation. The repair market is extremely complicated, comprised of a web of authorized dealers, independent repair shops, customers, and parts manufacturers. The Commission staff has worked diligently to understand the market, but to date we simply do not have the evidence to file this Complaint with any real confidence of our ultimate chance of success. Perhaps we could have developed additional evidence with further investigation; perhaps we will discover that evidence in litigation.¹¹ Either way, the Commission should not expend taxpayer resources on lawsuits on the basis of an evidentiary record as underdeveloped as this one.

Finally, filing the Complaint now is deeply imprudent. The parties are in active negotiations over a fix that, if brought to fruition, could provide meaningful relief to America's farmers. I favor settling this litigation but *only* if that settlement provides real, tangible benefits to America's farmers. If the Commission and Deere cannot reach such a settlement, then the courts will resolve the righttheiona

be the Commission's focus, rather than launching potentially years-long litigation in order to secure another triumphant press release on the Democrats' way out the door.¹²

I respectfully dissent.

¹² My vote today should not be understood as a vote against amending the complaint to allow States to join the Commission in seeking meaningful redress for farmers. I am a former state enforcer who participated alongside the United States in major antitrust litigation. The more federal