UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Federal Trade Commission, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 25 CV 50017
	)	Judge Iain D. Johnston
Deere & Company,	)	
	)	
Defendant.	)	

ORDER

Unlike some judges—I'm looking at you Steve Seeger—I don't have a standing order prohibiting counsel from contacting the Court. That type of standing order seems superfluous. (Of course, one could reasonably argue that most standing orders are superfluous.) And I already have 29 standing orders, despite Magistrate Judge Patty Barksdale schooling me that standing orders are allegedly unconstitutional according to some people. But this action has generated many calls to the Court from interested "parties." They are not parties, however. See Fed. R. Civ. P. 17-25. These calls are nearly always counsel for various OEMs asking the Court's staff for legal advice. The Court fully understands that these OEMs are in an odd and uncomfortable position. They are not parties to the action, and they are not even respondents to subpoenas under Rule 45, but they have a vested interested in how documents they produced to the FTC during its pre-filing investigation might be used or disclosed in this action and the MDL. And protections under the Federal Rules of Civil Procedure are for parties and

respondents to subpoenas. But there is a solution—one that can be found by cracking open Moore's Federal Practice. The OEMs can become parties. The OEMS should seek leave for permissive intervention. 6 Moore's Federal Practice Section 26.101[2][b] (Matthew Bender 3d ed.) There's even a helpful case cited, discussing this procedure. See Blum v. Schlegel, 150 F.R.D. 38 (W.D.N.Y. 1993). Again, the Court recognizes that Rule 24(b) isn't a perfect fit because the OEMs aren't asserting a claim or defense. But who am I to argue with Moore's and an out-of-circuit district court case. If the OEMs want to participate in this case to protect their interests, then that's the route they should take, not phone calls to the Court staff. Indeed, CNH, AGCO, and Kubota should have taken this route, and still should. Because the Court hasn't so far found a reason to deny them, it's confident that Rule 24 motions by OEMs that are concerned about how their sensitive documents might be used or disclosed in this case will very likely be granted.

Entered: June 30, 2025

By: _____
Iain D. Johnston
U.S. District Judge