

FARM SHOW

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Photo courtesy Agri-News

Melroy Buhr poses with his Deere 535 baler outside the courthouse after a jury awarded him \$28,992 in damages, declaring Deere had breached warranty on the defective baler by failing to repair or replace it.

HE CONVINCED JURY THAT DEERE SHOULD HAVE FIXED DEFECTIVE MACHINE

Farmer Wins Lawsuit Over "Lemon" Baler

By Mark Newhall, Editor

"Deere makes good balers. Unfortunately, I got one with problems," says Melroy Buhr, an Iowa farmer who recently convinced a Minnesota jury that the Deere 535 round baler he bought in 1993 for his custom baling business was defective and should have been repaired or replaced by the company.

Buhr spent two years trying to get the baler fixed before filing suit in March, 1995. Last November the jury awarded Buhr \$28,992 in damages for the defective baler.

Buhr apparently had a lot of credibility with the jury because he is a long-time Deere customer who had owned a Deere 535 baler before. "It was a good machine. That's why I bought another one," he says.

But he claims his new 535 never worked properly. "The bales were too small and uneven and the belts continually wore out because they wouldn't track properly within the machine. The gauges never did work right, and the surface wrap would catch and get sucked into the machine. I lost more than half of my custom-

ers because they were not happy with the work I did, and I couldn't blame them," says Buhr.

He had troubles with the baler from day one. Repairs in two years totalled more than \$10,000 and he made less than 3,000 bales.

He took the baler back to the dealer he bought it from, and then to four other dealers. None of them could fix it. He also contacted Deere & Company direct trying to get them to correct the situation. At one point, an observer suggested he sell the baler as far away from his hometown as he could get. But Buhr rejected that idea, saying he didn't want to dump his problems onto someone else.

Finally, after two years, he tried to trade the baler back to the dealer where he bought it but he says the dealer didn't want it because he knew about the machine's defects. That's when he decided he would have to sue.

"I had a \$30,000 piece of junk. I couldn't use it and I couldn't trade it in. Filing a lawsuit was the only

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