Court of Appeal for Saskatchewan **Citation:** ***Tress v FCA US LLC*, 2024 SKCA 31**
Docket: CACV4253 **Date: 2024-03-18**

Between:

Dane Ashley Bruce Tress

Applicant/Prospective Appellant
(Plaintiff)

And

FCA US LLC and FCA Canada Inc.

Respondents/Prospective Respondents
(Defendants)

Before:	McCreary J.A. (in Chambers)
Disposition:	Leave to appeal denied
Written reasons by:	The Honourable Madam Justice McCreary
On application from: Application heard:	2023 SKKB 186, Regina February 28, 2024
Counsel:	Iqbal Brar and Jaclyn Watters for the Appellant Peter Pliszka and Zohaib Maladwala for the Respondents

McCreary J.A.

I. OVERVIEW

[1] The applicant, Dane Ashley Bruce Tress, applies for leave to appeal an order dismissing his application for class certification under *The Class Actions Act*, SS 2001, c C-12.01 [*CAA*]: *Dane Ashley Bruce Tress v FCA US LLC*, 2023 SKKB 186 [*Chambers Decision*].

[2] For clarity, in this fiat I will refer to the applicant as Mr. Tress or the plaintiff.

[3] The basis for the plaintiff's claim was that the defendants, FCA US LLC and FCA Canada Inc. [collectively FCA or the defendants] had designed, manufactured and distributed diesel-powered motor vehicles [Class Vehicles] allegedly equipped with auxiliary emissions control devices [AECDs] or "defeat devices", which caused them to produce exhaust emissions in excess of prescribed regulatory limits. In his claim, the plaintiff alleged that the default devices caused the Class Vehicles to have a lower value than what individuals who purchased or leased the vehicles paid for them. However, prior to the certification application, the defendants developed an update to the emissions control software in the Class Vehicles [AEM] which purportedly ensured that the Class Vehicles complied with emissions standards, without adversely affecting the Class Vehicles' performance. The AEM was offered to all purchasers and lessees of the Class Vehicles without charge.

[4] The Chambers judge dismissed Mr. Tress's application for class certification because he found that (1) a class action would not be a preferable procedure for adjudicating the class members' claims, and (2) the plaintiff, Mr. Tress, did not meet the requirements of an adequate representative of the proposed class. The Chambers judge concluded that a class action was not the preferable procedure for the resolution of any common issues because he determined that the plaintiff had failed to establish a basis in fact that he, or any other class member, had suffered a compensable loss. The Chambers judge also found that the plaintiff was not an adequate representative under s. 6(1)(e) of the *CAA* because the plaintiff had failed to adduce evidence demonstrating that he was a resident of Saskatchewan at the time he commenced the action, as required by s. 4(1).

[5] Mr. Tress seeks leave to appeal the order dismissing the certification application on 12 grounds. Half of these grounds allege errors in findings of fact or mixed fact and law, reviewable on a palpable and overriding standard, and the other half allege errors of law, reviewable on a correctness standard: see *Housen v Nikolaisen*, 2002 SCC 33, [2002] 2 SCR 235. Mr. Tress's proposed grounds of appeal, somewhat edited and re-organized, are as follows:

(a) The Chambers judge erred in law by concluding that the plaintiff was required to provide evidence of compensable harm;

(b) The Chambers judge erred in fact and in law by adopting the analysis from *Maginnis and Magnaye v FCA Canada*, 2020 ONSC 5462 [*Maginnis*], aff'd 2021 ONSC 3897 (Div Ct) [*Maginnis Div Ct*], leave to ONCA ref'd (8 April 2022) M52573, leave to SCC ref'd 2023 CanLII 49303, which is distinguishable from Mr. Tress's claim on the bases of the evidentiary record and the distinct legislation governing class actions in Saskatchewan;

(c) The Chambers judge erred in law by correctly identifying the evidentiary standard for certification ("some basis in fact"), but then failing to apply it;

(d) The Chambers judge erred in fact by concluding that the plaintiff did not provide evidence of compensable harm for the claims he asserted;

(e) The Chambers judge erred in fact by misapprehending the plaintiff's evidence and erred in law by applying a standard other than the "some basis in fact" standard for the purposes of certification under the *CAA* in assessing the evidence of the plaintiff, including the evidence put forward with respect to:

(i) loss of fuel efficiency/less environmentally friendly;

(ii) loss of sale or resale value

(iii) loss of reliability or reduced quality of vehicle

(iv) the fact that a premium was paid for an "eco-friendly" vehicle; and,

(v) other inconveniences.

(f) The Chambers judge erred in law by impermissibly weighing the evidence of the plaintiff against that proffered by FCA and that proffered by the defendants in *Maginnis*, and then deciding the issues with respect to the plaintiff's claims for: loss of fuel efficiency/less environmentally friendly; loss of sale or resale value; loss of reliability or reduced quality of vehicle; loss arising from the fact that a premium was paid for an "eco-friendly" vehicle; and, other inconveniences.

(g) The Chambers judge erred in fact by making determinations on the defendants' evidence without any consideration to the statements and admissions in the cross-examinations by the defendants' witnesses, Dr. John Hauser, Stuart Shaw and William Lavasseur;

(h) The Chambers judge erred in fact by concluding that the evidence of Dr. Glenn Bower did not provide evidence of compensable loss;

(i) The Chambers judge erred in law and impeded access to justice in failing to consider subsections 6(1)(a), (b) and (c) of the *CAA* where, overwhelmingly, members of the Court of King's Bench Court, when intending to find that one or more factors have not been satisfied, consider all factors;

(j) The Chambers judge erred in fact in drawing a conclusion that the plaintiff was not a resident of Saskatchewan when the claim was commenced, when there was no evidence one way or the other as to his residency at the time of the commencement of his claim and there was nothing on the record to support such an inference;

(k) The Chambers judge erred in law on the issue of the residency of the plaintiff when his claim was issued by effectively having refused to adjourn certification (if that was required) so that further evidence could be tendered to address said issue, when plaintiff's counsel had, in fact, addressed this issue in oral argument, filed reply case law in compendium form at the certification hearing, provided notice to the court that the issue of the residency of the plaintiff at the time of the issuance of the claim was not put before the court by the defendants until oral submissions at the hearing, and that if needed, clarifying evidence could be filed immediately by the plaintiff; and

(l) The Chambers judge erred when he did not adjourn the certification application to allow for further evidence to be provided on the issue of the proposed representative plaintiff's residence, and by giving no reasons respecting the lack of adjournment.

[6] For the reasons that follow, leave to appeal is denied.

II. FACTS

[7] The plaintiff commenced the action in February 2018, alleging that FCA misrepresented the emissions performance of the Class Vehicles. Specifically, the plaintiff alleged that the Class Vehicles contain AECDs, or "defeat devices", in the form of certain software programming, that controlled the Class Vehicles' emissions systems, causing the Class Vehicles to be less environmentally friendly than had been represented to consumers.

[8] The factual foundation for the claim arose because of an allegation by two regulatory authorities in the United States – the Environmental Protection Agency [EPA] and the California Air Resources Board [CARB] – against FCA that the Class Vehicles contained AECDs. FCA denied this allegation and it has never been judicially determined.

[9] In his claim, Mr. Tress pleaded that had he known about the alleged defeat device, he would not have purchased his Class Vehicle. He submitted that because of the failure to disclose the existence of the defeat device, he paid an unjustified price premium for his Class Vehicle, and that because the existence of the defeat device was disclosed, he would suffer a loss in the form of diminished resale or trade-in value.

[10] After Mr. Tress commenced the claim, the EPA and CARB approved a software adjustment developed by FCA that resolved the concerns underlying their allegations. Pursuant to directions in an agreement that FCA reached with the EPA and CARB, FCA implemented a customer service campaign in May 2019 by which it adjusted the emissions software in the Class Vehicles, referred to as the "Approved Emissions Modification" or "AEM", followed by an updated AEM in January 2020, which I refer to collectively as the AEM.

[11] The EPA and CARB publicly confirmed that, based on their own testing and analysis, with the AEM software adjustment made to a Class Vehicle, any question about regulatory compliance was satisfied and the emissions systems in the Class Vehicles performed as initially represented by FCA with no adverse effect on fuel economy or vehicle performance.

[12] While FCA says that, with the AEM in place, it is a conclusive fact that the issues which constituted the plaintiff's claim are resolved, the plaintiff continued to seek certification alleging that he and the putative class members continued to be entitled to compensation for the following alleged losses: (a) loss of fuel efficiency and environmental friendliness; (b) loss of resale value; (c) reduced quality and reliability; (d) price premium paid upon purchase; and (e) other inconveniences.

III. THE *CHAMBERS DECISION*

[13] The Chambers judge reviewed the evidence of the parties to determine whether the plaintiff had adduced evidence to establish a basis in fact for the existence of any of the losses alleged. He found that the plaintiff had failed to do so. Specifically, with respect to each allegation of loss, the Chambers judge found:

(a) Loss of fuel efficiency and environmental friendliness: There was no evidence that the Class Vehicles continued to exhibit either of these deficiencies. Rather, the evidence demonstrated that the EPA and CARB had determined that the AEM resolved any emissions issue without adversely affecting fuel efficiency. The Chambers judge found that the plaintiff did not adduce evidence contesting the regulators' findings, relying only on his own evidence, and that of other Class Vehicle owners, that they had "concerns" about the Class Vehicles' performance in this regard (at para 44). The Chambers judge held that these subjective expressions of concern did not constitute evidence of loss;

(b) Loss of resale value: The Chambers judge found that the plaintiff failed to present evidence that any Class Vehicle had suffered a diminution in its resale value. Again, the plaintiff's evidence consisted of expressions of "concern" that resale value would be impaired. The Chambers judge concluded that "a concern about what

'could' happen is 'obviously not evidence that anything in fact did happen'" (at para 51, quoting *Maginnis* at para 33);

(c) Reduced quality and reliability: The Chambers judge noted that the only evidence offered by the plaintiff in support of the assertion that the Class Vehicles were of lower quality and reliability than what was bargained for came from an expert report prepared by Dr. Bower, a professor at the University of Wisconsin-Madison. The Chambers judge pointed out, however, that Dr. Bower did not address or acknowledge the AEM in his report. All the data that he relied upon predated the introduction and implementation of the AEM. Consequently, the Chambers judge concluded that Dr. Bower's opinion was of "no value in determining if there is a minimum evidentiary foundation for the losses claimed by Mr. Tress" because it did not address whether there could be losses since the AEM became available (at para 57);

(d) Price premium paid upon purchase: The Chambers judge noted that while the plaintiff adduced evidence of one affiant who said he "believed" that he had paid a premium for the "eco-diesel" feature of his vehicle, the bill of sale for the vehicle that was exhibited did not demonstrate this belief, or the conclusion that any such premium had, in fact, been charged or paid (at para 59);

(e) Other inconveniences: At the certification hearing, plaintiff's counsel argued that putative class members would have suffered loss in the form of inconvenience in having the AEM software adjustment installed, entitling class members to nominal damages. However, the Chambers judge found that the plaintiff adduced no evidence to substantiate that he or any class member sustained even nominal damages.

[14] In the result, the Chambers judge concluded that there was no basis in fact to support the allegation that class members had suffered losses that would entitle them to compensation, even if the claims asserted were resolved in their favour. Accordingly, he concluded that the proposed class action was not a preferable procedure for the resolution of the common issues, pursuant to s. 6(1)(d) of the *CAA*. The Chambers judge also rejected the plaintiff's argument that, even if there

was no compensable loss, and thus no access to justice or judicial economy concerns, the action should nevertheless be certified solely for behaviour modification purposes to ensure that "the conduct of FCA … not be rewarded or condoned" (at para 72).

[15] In addition, the Chambers judge held that, because there was no evidence that the plaintiff had suffered any compensable loss, he had no stake in the proposed action, with the result that he was not an adequate representative of the class for the purposes of s. 6(1)(e)(iii) of the *CAA*.

[16] The Chambers judge further found that the plaintiff had failed to comply with s. 4(1) of the *CAA*, which requires that a proposed representative plaintiff must be a resident of Saskatchewan at the date the action is commenced. The Chambers judge concluded that there was no evidence allowing him to find that the requirement was satisfied.

IV. TEST FOR LEAVE TO APPEAL

[17] The test for leave to appeal from an interlocutory order of a judge of the Court of King's Bench is that set out in *Rothmans, Benson & Hedges Inc. v Saskatchewan*, 2002 SKCA 119, 227 Sask R 121. This Court has consistently applied this test to applications for leave to appeal from certification decisions under s. 39(3) of the *CAA*. In *Rothmans*, Cameron J.A. articulated the test for leave as turning on the issues of merit and importance, as follows:

> [6] The power to grant leave has been taken to be a discretionary power exercisable upon a set of criteria which, on balance, must be shown by the applicant to weigh decisively in favour of leave being granted: Steier v. University Hospital, [1988] 4 W.W.R. 303 (Sask. C.A., per Tallis J.A. in chambers). The governing criteria may be reduced to two—each of which features a subset of considerations— provided it be understood that they constitute conventional considerations rather than fixed rules, that they are case sensitive, and that their point by point reduction is not exhaustive. Generally, leave is granted or withheld on considerations of **merit** and **importance**, as follows:
>
> > First: Is the proposed appeal of **sufficient merit** to warrant the attention of the Court of Appeal?
> >
> > - Is it *prima facie* frivolous or vexatious?
> > - Is it *prima facie* destined to fail in any event, having regard to the nature of the issue and the scope of the right of appeal, for instance, or the nature of the adjudicative framework, such as that pertaining to the exercise of discretionary power?
> > - Is it apt to unduly delay the proceedings or be overcome by them and rendered moot?

> - Is it apt to add unduly or disproportionately to the cost of the proceedings?
>
> Second: Is the proposed appeal of **sufficient importance** to the proceedings before the court, or to the field of practice or the state of the law, or to the administration of justice generally, to warrant determination by the Court of Appeal?
>
> - does the decision bear heavily and potentially prejudicially upon the course or outcome of the particular proceedings?
> - does it raise a new or controversial or unusual issue of practice?
> - does it raise a new or uncertain or unsettled point of law?
> - does it transcend the particular in its implications?
>
> (Emphasis in original)

[18] I would also add that the reasons given for leave decisions should be brief and circumspect. Many courts in Canada do not provide any reasons for granting or denying leave: see, for example, *White City (Town) v Edenwold (Rural Municipality)*, 2023 SKCA 61 at para 30.

V. ANALYSIS

A. First element of the test for leave: The proposed appeal lacks sufficient merit to grant leave

1. Alleged errors relating to principle of compensable loss

[19] The plaintiff's central argument on this leave application, which is set out in his first two proposed grounds of appeal (as I have reproduced and itemized them above), is that the Chambers judge erred in requiring the plaintiff to establish some basis in fact for the allegation of compensable loss in order to find that the proposed class action satisfied the preferable procedure certification criterion. The plaintiff contends that the Chambers judge erred by following the decisions – at first instance and on appeal in *Maginnis*. *Maginnis* is a parallel class proceeding in Ontario that arises from the same facts upon which the plaintiff's claims are founded in the instant case.

[20] In my view, these two grounds of appeal lack sufficient merit to justify granting leave.

[21] There is a significant amount of judicial authority from courts in Saskatchewan, as well as other courts in Canada, for the principle that an intended class action should not be certified without threshold evidence of any compensable loss, and thus an absence of any realistic prospect of genuine remedy that could be achieved by the litigation.

[22] In *Maginnis*, the plaintiffs commenced their action alleging that they had overpaid for their vehicles because of the alleged presence of the "defeat device", which resulted in the vehicles failing to meet regulatory emissions standards. The plaintiffs argued that, consequently, the vehicles were worth less than the price paid. As in this case, in *Maginnis*, the defendants, FCA, made available the AEM which resolves the emissions concerns raised by the regulators, EPA and CARB. The plaintiffs applied to have their action certified as a class action and that application was dismissed. In dismissing the application, Belobaba J. stated that the central issue was whether, despite the repair effected by the AEM, the plaintiff could still establish some form of compensable loss to justify the proposed class proceeding, stating:

> [11] There is no dispute with the proposition that no action should be certified as a class proceeding without at least some evidence of compensable harm. That is, some evidence that at least one of the plaintiffs sustained an economic loss. After all, the goals of the class proceeding are access to justice, behaviour modification and judicial economy. If the defect in the product has indeed been repaired and there is no evidence of compensable harm, then there are no access to justice concerns, behaviour modification has been achieved, and proceeding any further in court would be a waste of judicial resources.
>
> (Footnotes omitted)

[23] While the plaintiffs in *Maginnis* argued that they had sustained compensable losses, Belobaba J. held that the preferable procedure criterion and adequate representative criterion were not satisfied because there was no basis in fact for the allegation of loss. This ruling was appealed to the Ontario Divisional Court, which held that Belobaba J. had correctly applied the "some basis in fact" evidentiary standard to find that there was no basis in fact that compensable losses had been suffered (*Maginnis Div Ct* at para 34). As a result, he had correctly determined that the preferable procedure criterion was not satisfied. Leave to appeal to the Ontario Court of Appeal was denied, as was leave to the Supreme Court of Canada.

[24] Mr. Tress argues that the Chambers judge erred in applying *Maginnis* as a precedent because his action involves different pleadings, a different evidentiary record and different class proceedings legislation. In my view, these distinctions do not mean that *Maginnis* is

distinguishable. On the contrary, there is no merit to the argument that the *CAA* is meaningfully different from the Ontario *Class Proceedings Act, 1992*, SO 1992, c 6, so as to render *Maginnis* distinguishable. This is particularly so because the "superiority" and "predominance" requirements (s. 1.1) were added to the Ontario Act effective October 1, 2020, and were therefore not applied in *Maginnis* (see *Smarter and Stronger Justice Act, 2020*, SO 2020, c 11, Schedule 4, s 2).

[25] In any event, Saskatchewan's own jurisprudence confirms the requirement for evidence of compensable harm in order to justify certification. In *Hoffman v Monsanto Canada Inc.*, 2005 SKQB 225, [2005] 7 WWR 665 [*Hoffman*], aff'd 2007 SKCA 47, [2007] 6 WWR 387 [*Hoffman SKCA*], the Court of Queen's Bench refused to certify a class proceeding because the evidence did not demonstrate that the proposed class members, with some possible isolated exceptions, had suffered any loss. The Chambers judge concluded that the lack of evidence of loss meant there was no "identifiable class" whose interests would be advanced by prosecuting the proposed class action (at para 246). That decision was affirmed by this Court, which found that the Chambers judge's decision with respect to the identifiable class criterion was "sound in principle" (*Hoffman SKCA* at para 81). *Hoffman* was subsequently followed on this point in *Robinson v Saskatoon (City)*, 2010 SKQB 98, 353 Sask R 25, where the plaintiffs alleged that the way the defendant city had administered its taxicab bylaw had caused losses to taxicab owners and drivers. The plaintiffs sought certification of a class with approximately 1,500 members, but the evidence suggested that only eight claimants had suffered the losses alleged. The court concluded that the identifiable class criterion was not satisfied, which meant that the proposed class action was not the preferable procedure (see para 69).

[26] Other courts in other provinces have applied this same principle: see, for example, *Setoguchi v Uber B.V.*, 2021 ABQB 18, aff'd 2023 ABCA 45 at paras 68-69, leave to SCC ref'd 2023 CanLII 62020.

[27] Finally, in *Atlantic Lottery Corp. Inc. v Babstock*, 2020 SCC 19, [2020] 2 SCR 420, the Supreme Court of Canada confirmed the "no loss, no preferability" principle, when Brown J., for the majority, held that even if the contract claim had satisfied the cause of action certification requirement, the action would fail the preferability requirement because it did not allege, and was not seeking compensation for, the class members' actual losses (see para 68).

[28] Given the case law I have outlined above, it is my view that the plaintiff's first and second proposed grounds of appeal are destined to fail and leave to appeal should not be granted on these grounds.

2. Alleged errors assessing the evidence relating to compensable loss

[29] The plaintiff's third, fourth, fifth, sixth, seventh and eighth grounds of appeal broadly allege that the Chambers judge erred in his assessment of the evidence respecting whether there was some basis in fact to claim a compensable loss. Again, it is my view that none of these grounds of appeal are sufficiently meritorious to justify granting leave.

[30] If leave to appeal were to be granted, the conclusions reached by the Chambers judge, based on his assessment of the evidence, would be reviewable on the deferential standard of palpable and overriding error. A finding that there is no basis in fact to support one or more certification criterion will only be disturbed on appeal if the appellant can demonstrate such a palpable and overriding error. This deferential standard of review informs the test for leave to appeal. In my view, the plaintiff has not come close to demonstrating an error in the Chambers judge's assessment of the evidence that rises to the level of "palpable and overriding". In addition, the plaintiff's contention that the Chambers judge improperly weighed competing evidence in the record before him, and/or somehow adopted the findings of fact made by Belobaba J. in *Maginnis*, is entirely meritless. It is clear that, on the evidence before him, the Chambers judge found that, on the plaintiff's own evidence, he had not established a basis in fact to claim any compensable losses. The plaintiff has not identified any part of the *Chambers Decision* which demonstrates that the Chambers judge relied on evidence from the *Maginnis* case, rather than from the record relating to the case before him.

[31] Thus, in my respectful view, the plaintiff's six grounds of appeal relating to the Chambers judge's assessment of the evidence are destined to fail and do not justify granting leave.

3. Alleged error in determining that the factors of s. 6(1) of the *CAA* are conjunctive

[32] Under the ninth proposed ground of appeal, the plaintiff argues that the Chambers judge erred in law by failing to perform an analysis of each criterion of class certification set out in s. 6(1) of the *CAA*, after he determined that the plaintiff had failed to demonstrate that a class action would

be the preferable procedure for resolution of the common issue pursuant to s. 6(1)(d) of the *CAA*. While plaintiff's counsel was unable to provide any legal authority for his contention, he argued that the Chambers judge was required to analyze each element of the test for certification pursuant to s. 6(1) and erred in law by not doing so.

[33] In my view, this argument is wholly without merit. The test for class certification set out in s. 6(1) is conjunctive, meaning that the court must be satisfied on each element of the test before an action will be certified as a class proceeding. It follows that when the Chambers judge determined that a class action was not the preferable procedure for the resolution of the common issues pursuant to s. 6(1)(d), there was no need for him to consider any other aspect of the test for certification – if one element of the test for certification is not made out, the certification application fails.

[34] As this ground of appeal is also destined to fail, leave is denied on this ground.

4. Alleged error in dismissing certification application because there was no evidence the plaintiff was a Saskatchewan resident at the commencement of the claim

[35] The plaintiff's final grounds of appeal revolve around arguments that the Chambers judge erred in various ways when he determined that the application for certification could also be dismissed because there was no evidence that the plaintiff was a resident of Saskatchewan when the claim was commenced, as is required by s. 4(1) of the *CAA*. The plaintiff further contends that if the Chambers judge did not err in his finding respecting the residency requirement, he erred by not adjourning the certification application to allow further evidence to be provided on the issue of the proposed representative plaintiff's residence.

[36] At the hearing of this leave application, plaintiff's counsel tendered an affidavit from Mr. Tress which spoke to his province of residency at the date the action was commenced. Counsel for the defendants took issue with the relevancy and propriety of the affidavit. In my view, nothing turns on the affidavit for the purposes of this leave application and, thus, it is not necessary for me to consider the affidavit or the objections to it.

[37] The Chambers judge's finding that there was no evidence before him that the plaintiff satisfied the residency requirement at the time he commenced the claim is reviewable on the palpable and overriding error standard. In my view, no palpable and overriding error has been demonstrated by the plaintiff.

[38] There is also no merit to the plaintiff's argument that the Chambers judge erred in law by imposing a requirement that the plaintiff remain a resident of Saskatchewan after the action was commenced. Simply put, the Chambers judge did not impose such a requirement. He was very clear that the proposed representative plaintiff only had to be a resident of Saskatchewan on the date the action was commenced.

[39] Finally, given that the Chambers judge determined that the action should not be certified because it was not the preferable procedure for resolution of the common issues, there is also no merit to the plaintiff's argument that the Chambers judge erred by not granting an adjournment of the certification hearing to allow the plaintiff to provide evidence of his residency. Because the court was not satisfied that the action should be certified pursuant to s. 6(1)(d) of the *CAA*, the residency issue was moot, and an adjournment would only serve to prolong the hearing of an application that had already been disposed of on another ground.

[40] I therefore find that these final grounds of appeal lack sufficient merit to justify granting leave.

B. Second element of the test for leave: Importance

[41] Because I have found that none of the proposed grounds of appeal are sufficiently meritorious to justify granting leave, it is not necessary for me to consider whether the proposed grounds of appeal are of sufficient importance to warrant determination by the Court of Appeal.

VI. CONCLUSION

[42] In the result, the application for leave to appeal is denied, with costs to FCA in the usual manner.

"McCreary J.A."

McCreary J.A.