

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AYKUT SARAYLI,  
Plaintiff,  
v.  
HUEL, LTD.,  
Defendant.

Case No. 5:25-cv-02406-PCP

**ORDER GRANTING MOTION TO  
DISMISS**

Re: ECF No. 49

Lead plaintiff Aykut Sarayli brings this class action lawsuit against defendant Huel Ltd. for allegedly misrepresenting the protein content of its product. Huel moves to dismiss Sarayli’s complaint under Federal Rule of Civil Procedure 12(b)(1). For the following reasons, the Court grants Huel’s motion.

**BACKGROUND**

Huel is a company that sells vegan food products, including a Black Edition protein powder made from pea and rice protein. Sarayli alleges that he purchased Huel’s Black Edition protein powder from Amazon.com, seeking to supplement his protein intake in order to “maintain weight, build muscle, and meet fitness goals.” Huel’s protein powder advertises 40 grams of protein per serving, or 80% of the recommended daily intake. Sarayli alleges that he relied on those statements when he purchased the product.

While protein quantity matters when calculating the percent daily value, so does the quality of that protein. Only certain kinds of protein are fully digestible, and only certain kinds contain essential amino acids. These higher quality proteins also tend to have a higher “bioavailability,” where the proteins are more easily utilized by the people who eat them. Protein quality is measured by the Protein Digestibility Corrected Amino Acid Score (PDCAAS). PDCAAS scores

1 range from 0.0 to 1.0. When this score is multiplied by the protein quantity, the resulting number  
 2 indicates how much protein is actually available. This is the “corrected amount of protein per  
 3 serving,” 21 C.F.R. § 101.9(c)(7)(ii), and it is why 40 grams of protein may not necessarily equate  
 4 to 80% of someone’s recommended daily protein intake.

5 Sarayli alleges that the protein used by Huel has a PDCAAS score somewhere below 1,  
 6 and that the nutrition label is therefore deceptive. He asserts three causes of action: violation of the  
 7 Consumer Legal Remedies Act (“CLRA”), Cal. Civ. Code § 1761(d); unjust enrichment; and  
 8 breach of express warranty.

### 9 LEGAL STANDARD

10 A complaint that fails to establish a federal court’s subject matter jurisdiction may be  
 11 dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1). A Rule 12(b)(1) challenge may be  
 12 facial, contending that the complaint’s allegations are insufficient to invoke federal jurisdiction, or  
 13 factual, disputing the allegations that otherwise establish federal jurisdiction. *Safe Air for*  
 14 *Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). When considering a facial challenge, the  
 15 Court must “take the allegations in the plaintiff’s complaint as true.” *Wolfe v. Strankman*, 392 F.3d  
 16 358, 362 (9th Cir. 2004). In a factual attack, however, a defendant “can attack the substance of a  
 17 complaint’s jurisdictional allegations despite their formal sufficiency, and in doing so rely on  
 18 affidavits or any other evidence properly brought before the court.” *St. Clair v. City of Chico*, 880  
 19 F.2d 199, 201 (9th Cir. 1989).

20 To establish standing in federal court, Article III of the Constitution requires a plaintiff to  
 21 demonstrate “(i) that he suffered an injury in fact that is concrete, particularized, and actual or  
 22 imminent; (ii) that the injury was likely caused by the defendant; and (iii) that the injury would  
 23 likely be redressed by judicial relief.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021). If  
 24 the plaintiff’s claim is one for which the court can offer no remedy, “there is no case or  
 25 controversy for the federal court to resolve.” *Id.* at 423 (citation omitted).

### 26 ANALYSIS

27 Huel brings a factual 12(b)(1) motion, arguing that Sarayli lacks standing because he  
 28 cannot possibly have been injured. According to the sworn declaration of Huel’s Product Director,

1 while individual plant proteins may not contain all essential amino acids, formulations made of  
2 complementary proteins can combine to provide for a PDCAAS score of 1.0. According to the  
3 Product Director, the 40 grams of protein in Huel's product involve a combination of raw  
4 ingredients whose combined PDCAAS score is approximately 1.0, such that the products do, in  
5 fact, provide 80% of the recommended daily protein intake. According to Huel, Sarayli thus  
6 received precisely what was advertised and suffered no injury.

7 In opposing Huel's motion, Sarayli contends that the Court must accept as true his  
8 allegation that the protein in Huel's shakes has a PDCAAS score of less than 1.0. If Huel was  
9 pursuing a facial attack under Rule 12(b)(1), that would be true. But Huel instead pursues a factual  
10 attack on Sarayli's standing. And where a 12(b)(1) movant bringing a factual attack relies on  
11 affidavits, declarations, or any other evidence properly before the court, the party opposing the  
12 motion generally must present evidence establishing that the court possesses subject matter  
13 jurisdiction. *St. Clair*, 880 F.2d at 201.

14 Here, Sarayli did not submit any evidence in its opposition to Huel's factual Rule 12(b)(1)  
15 motion. Accordingly, the undisputed evidentiary record before the Court permits only one  
16 conclusion: that Sarayli suffered no harm because Huel's shakes provided the advertised amount  
17 of protein.

18 In contending that the Court must nonetheless deny Huel's motion, Sarayli argues that  
19 Huel's jurisdictional challenge is intertwined with the merits of Sarayli's claims and that the Court  
20 therefore cannot resolve any factual disputes in addressing that motion. *See Safe Air*, 373 F.3d at  
21 1038 (holding that a district court abused its discretion by resolving a factual dispute intertwined  
22 with the merits of the case on a 12(b)(1) motion); *Bowen v. Energizer Holdings, Inc.*, 118 F.4th  
23 1134, 1141 (9th Cir. 2024) (same). The problem with Sarayli's argument is that the rule discussed  
24 in *Safe Air* and *Bowen* addresses what the Court does *after* a plaintiff has responded to a factual  
25 12(b)(1) motion by providing contrary evidence. In the usual case not involving merits-intertwined  
26 jurisdictional challenges, the Court may weigh that evidence and determine whether it establishes  
27 standing or a lack thereof without converting the motion to a motion for summary judgment. *Safe*  
28 *Air*, 373 F.3d at 1039. But where the jurisdictional issue is intertwined with the merits, the Court

1 must apply the summary judgment standard of Rule 56, and judgment in defendant’s favor is  
2 appropriate only if there are no genuine disputes of material fact. *See Safe Air*, 373 F.3d at 1047  
3 (concluding that district court erred, but affirming dismissal because undisputed facts established  
4 defendant’s entitlement to judgment). Here, because Sarayli has not satisfied his burden of  
5 producing evidence creating any dispute of fact—and, indeed, has not even provided a Rule 56(d)  
6 affidavit or declaration explaining why he was unable to present facts essential to opposing Huel’s  
7 motion—he cannot benefit from the rule described in *Safe Air*. Even a barebones declaration  
8 attached to a 12(b)(1) motion requires some kind of evidentiary response by the opposing party.

9 In short, Sarayli’s failure to provide the Court with any evidence contradicting Huel’s  
10 evidence that he lacked any injury dooms his complaint. The case is therefore dismissed without  
11 prejudice but without leave to amend.

12 **IT IS SO ORDERED.**

13 Dated: March 25, 2026

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16 P. Casey Pitts  
17 United States District Judge  
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