UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-01112-JLS-PD Date: January 14, 2026
Title: Kevin Shahinian v. IQBAR, Inc.

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Kelly Davis	N/A
Deputy Clerk	Court Reporter
Attorneys Present for Plaintiffs:	Attorneys Present for Defendant:
Not Present	Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER DENYING DEFENDANT'S MOTION TO DISMISS (Doc. 20)

Before the Court is Defendant IQBAR, Inc.'s Motion to Dismiss Plaintiff Kevin Shahinian's claim for unjust enrichment. (Mot., Doc. 20.) Plaintiff opposed, and Defendant responded. (Opp., Doc. 21; Reply, Doc. 22.) The Court finds this matter appropriate for decision without oral argument, and the hearing set for January 16, 2026, at 10:30 a.m. is VACATED. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. For the following reasons, the Court DENIES Plaintiff's Motion.

I. BACKGROUND

Plaintiff is a purchaser of Defendant's nutrition bars (the "Bars"), which purport on their packaging to contain 12 grams of protein, constituting 24% of the recommended daily value of protein ("%DRV"). (First Amended Complaint, "FAC" ¶¶ 18, 39, 42, Doc. 19.) Plaintiff asserts three claims: (1) violation of the Consumer Legal Remedies Act ("CLRA"), Cal. Civ. Code § 1750, *et seq.* (*id.* ¶ 91); (2) unjust enrichment (*id.* ¶ 100); and (3) breach of express warranty (*id.* ¶ 109). For each claim, Plaintiff asserts two theories of liability: (1) that the packaging overrepresents the %DRV because the value is not adjusted for the protein's usability by the body as required by federal regulations (*id.*

¶¶ 27–44); and (2) that many flavors of the Bars contain less than the purported 12 grams of total protein (*id.* ¶¶ 45–51.)

On November 5, 2025, the Court issued an Order Granting in Part and Denying in Part Defendant's Motion to Dismiss. ("Prior Order," Doc. 18.) The Court granted Defendant's motion to dismiss Plaintiff's unjust enrichment claim because Plaintiff did not include specific allegations that he lacked an adequate remedy at law. (*Id.* at 5.) On November 14, 2025, Plaintiff filed his FAC, which now includes additional allegations as to why he lacks an adequate remedy at law. (FAC ¶¶ 63–71.)

Defendant contends that Plaintiff has again failed to plausibly allege that he lacks an adequate remedy at law, and so he cannot seek equitable restitution. (Mot. at 3–7.)

II. LEGAL STANDARD

In deciding a motion to dismiss under Rule 12(b)(6), courts must accept as true all "well-pleaded factual allegations" in a complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). Furthermore, courts must draw all reasonable inferences in the light most favorable to the non-moving party. *See Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 (9th Cir. 2010). However, "courts 'are not bound to accept as true a legal conclusion couched as a factual allegation.'" *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The complaint must contain "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). "A claim has facial plausibility when the pleaded factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id*. (citing *Twombly*, 550 U.S. at 556). Although a complaint "does not need detailed factual allegations," the "[f]actual allegations must be enough to raise a right to relief above the speculative level[.]" *Twombly*, 550 U.S. at 555. Thus, a complaint must (1) "contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively[,]" and (2) "plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation." *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011).

Additionally, Courts are to "freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2); *see also Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (indicating that the Rule 15(a)(2) policy is to be applied with "extreme liberality"). But Rule 15's "liberality does not apply when amendment would be futile." *Ebner v. Fresh, Inc.*, 838 F.3d 958, 968 (9th Cir. 2016). A proposed amendment is futile where "no set of facts can be proved under the amendment that would constitute a valid claim." *Abels v. JBC Legal Grp., P.C.*, 229 F.R.D. 152, 157 (N.D. Cal. 2005).

III. <u>ANALYSIS</u>

Under California law, "[t]here is no cause of action for unjust enrichment. Rather, unjust enrichment is a basis for obtaining restitution based on quasi-contract or imposition of a constructive trust." *McKell v. Wash. Mut., Inc.*, 49 Cal. Rptr. 3d 227, 254 (Cal. Ct. App. 2006). As Plaintiff's claim for unjust enrichment requests restitution, (FAC ¶ 107), the Court construes the claim as one for restitution, an equitable remedy. *See VIZIO, Inc. v. Gemtek Tech. Co.*, 2014 WL 12691575, at *1 (C.D. Cal. Jan. 21, 2014). After *Sonner v. Premier Nutrition Corp.*, 971 F.3d 834, 844 (9th Cir. 2020), to avoid dismissal of claims seeking equitable remedies, "plaintiffs must include substantive allegations in the complaint that explain why monetary damages are not an adequate remedy." *Chebul v. Tuft and Needle*, 2024 WL 5257021, at *3 (C.D. Cal. Oct. 9, 2024) (Staton, J.) (internal quotation and citation omitted).

The FAC now alleges that in order to receive a full refund as damages, "Plaintiff must show that the Products he received have essentially no market value," a showing that is not required to seek restitution. (FAC ¶ 66.) Furthermore, Plaintiff represents that his CLRA claim encompasses "only particular categories of deceptive conduct," while unjust enrichment is "broad[er]." (FAC ¶ 69.) Similarly, Plaintiff's common law claims "require additional showings," including "that the statements he challenges constitute a warranty and that the warranty was the basis of the bargain." (FAC ¶ 70.) This amended language is sufficient, at this stage, to set forth facts under which Plaintiff lacks an adequate remedy at law because his request for equitable restitution is more certain. *Chebul*, 2024 WL 5257021, at *3 (collecting cases). Of course, Defendant may renew its *Sonner* argument at later stages of the case.

IV. CONCLUSION

Accordingly, Defendant's motion to dismiss is DENIED.

Initials of Deputy Clerk: kd