

## **Question**

The Defendants (Morgan Michelle Myers, Daniel Kenneth Branthroover, and Margie Evonne Wilson) coordinated their actions to achieve a common goal: to unlawfully remove Plaintiff from his residence, gain an advantage in divorce proceedings, and finalize the divorce. Under 18 U.S.C. § 1962(c), it is unlawful for any person to conduct or participate in the conduct of an enterprise's affairs through a pattern of racketeering activity when that enterprise affects interstate or foreign commerce. Under 18 U.S.C. § 1962(d), it is unlawful for any person to conspire to violate the provisions of subsection (c). To establish a civil RICO claim, a plaintiff must show: (1) the existence of an enterprise; (2) that the enterprise engaged in or its activities affected interstate commerce; (3) that the defendant was employed by or associated with the enterprise; (4) that the defendant participated in the conduct of the enterprise's affairs; and (5) that the participation was through a pattern of racketeering activity. (See Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 (1985)). The Defendants formed an "association-in-fact" enterprise as defined in Boyle v. United States, 556 U.S. 938 (2009), by coordinating their actions for a common purpose, maintaining relationships among themselves, and engaging in conduct with sufficient longevity to pursue their objectives. Mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and obstruction of justice (18 U.S.C. § 1503) are predicate acts of racketeering activity under 18 U.S.C. § 1961(1). The Defendants engaged in a pattern of racketeering activity by committing at least two predicate acts, including wire fraud (e.g., the transfer of \$1,576 across state lines via PayPal), mail fraud (e.g., using the U.S. Mail to serve false documents), and obstruction of justice (e.g., knowingly filing false statements in court documents to gain an advantage in divorce proceedings). A "pattern of racketeering activity" requires at least two predicate acts that are related and amount to or pose a threat of continued criminal activity. (See H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 (1989)). The Defendants' actions demonstrate a pattern of racketeering activity because they were part of a common fraudulent scheme aimed at achieving their shared objectives, and the conduct poses a threat of continued criminal activity as evidenced by ongoing communications and threats. Under 18 U.S.C. § 1964(c), a plaintiff may bring a civil RICO claim if they have been injured in their business or property by reason of a violation of 18 U.S.C. § 1962. The Plaintiff suffered injury to his business and property as a result of the Defendants' racketeering activity, including the depletion of funds from the joint marital account, the cessation of his business operations due to lack of funds, and his eviction from the residence he relied on for his livelihood. Based on the foregoing, the Plaintiff has established a *prima facie* case for a civil RICO claim under 18 U.S.C. § 1962(c) and (d).

## **Answer (U.S. Federal)**

## **Short response**

Based on the provided legal authorities, the plaintiff has established a prima facie case for a civil RICO claim under [18 U.S.C. § 1962\(c\)](#) and (d) against the defendants who allegedly coordinated their actions to form an association-in-fact enterprise engaged in a pattern of racketeering activity that injured the plaintiff's business and property. The alleged predicate acts of wire fraud, mail fraud, and obstruction of justice, committed as part of a coordinated scheme to unlawfully remove the plaintiff from his residence and gain advantage in divorce proceedings, satisfy the requirements for a civil RICO claim under current statutory framework and judicial interpretations.

## **Summary**

The plaintiff's civil RICO claim against the three defendants (Morgan Michelle Myers, Daniel Kenneth Branthover, and Margie Evonne Wilson) appears to establish all the required elements under [18 U.S.C. § 1962\(c\)](#) and (d) as interpreted by the courts. The defendants allegedly formed an association-in-fact enterprise by coordinating their actions to achieve the common goals of unlawfully removing the plaintiff from his residence, gaining an advantage in divorce proceedings, and finalizing the divorce. Their alleged conduct included multiple predicate acts of racketeering activity, specifically wire fraud (transferring funds across state lines via PayPal), mail fraud (using U.S. Mail to serve false documents), and obstruction of justice (filing false statements in court documents). These activities affected interstate commerce and directly caused injury to the plaintiff's business and property.

The relevant statutory provisions and case law, particularly [Sedima, S.P.R.L. v. Imrex Co.](#), [Boyle v. United States](#), and [H.J. Inc. v. Northwestern Bell Tel. Co.](#), support the proposition that the defendants' coordinated actions constitute a violation of RICO. The plaintiff has demonstrated the existence of an enterprise, its effect on interstate commerce, the defendants' association with the enterprise, their participation in the conduct of the enterprise's affairs, and that this participation was through a pattern of racketeering activity. Furthermore, the plaintiff has established standing to bring this civil RICO claim by showing injury to business and property as a direct result of the defendants' racketeering activity, including depletion of funds from a joint marital account, cessation of business operations, and eviction from the residence relied upon for livelihood.

## **Background and Relevant Law**

### **Statutory Framework**

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides both criminal penalties and civil remedies for certain prohibited activities. The relevant statutory provisions for this analysis are [18 U.S.C. § 1962\(c\)](#) and (d), [18 U.S.C. § 1961](#), and [18 U.S.C. § 1964\(c\)](#).

Under [18 U.S.C. § 1962](#)(c), "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt," [18 U.S.C. § 1962](#)(c) (2025).

Additionally, [18 U.S.C. § 1962](#)(d) provides that "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section," [18 U.S.C. § 1962](#)(d) (2025).

RICO defines key terms in [18 U.S.C. § 1961](#). "Racketeering activity" includes a broad range of federal crimes, including "section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice)," [18 U.S.C. § 1961](#) (2025). The term "enterprise" is defined to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity," [18 U.S.C. § 1961](#) (2025). A "pattern of racketeering activity" requires "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity," [18 U.S.C. § 1961](#) (2025).

[18 U.S.C. § 1343](#), which defines wire fraud, states that "Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both," [18 U.S.C. § 1343](#) (2025).

For civil remedies, [18 U.S.C. § 1964](#)(c) provides that "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." [18 U.S.C. § 1964](#)(c) (2025).

## Judicial Interpretation of RICO Elements

### Elements of a Civil RICO Claim

The U.S. Supreme Court in [Sedima, S.P.R.L. v. Imrex Co.](#) established that to state a RICO claim, a plaintiff must plead "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity," [Lockhart v. Deluca](#) (E.D. Mich. 2023) ("The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb "racketeering activity," which it defines as any act "chargeable" under several generically described state criminal laws, any act "indictable" under numerous specific federal criminal provisions, including mail and wire fraud, and any "offense" involving bankruptcy or securities fraud or drug-related activities that is "punishable" under federal

law." [18 U.S.C. § 1961](#)(1); see also [Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 481-82 \(1985\)](#). For violations of RICO, Congress has provided primarily criminal penalties. See 18 U.S.C. § 1963. But § 1964 establishes a civil cause of action for '[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. § 1962].'" To state a RICO claim, a plaintiff must plead: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' [Sedima, S.P.R.L., 473 U.S. at 496.](#)").

This framework has been consistently applied by courts. For instance, in [Egerique v. Chowaikei](#), 19 Civ. 3110 (KPF) (S.D.N.Y. Apr. 24, 2020), the court noted that "Section 1962(c) makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' [18 U.S.C. § 1962](#)(c). Section 1962(d) applies the same prohibitions to a defendant who conspires to violate subsection (c)."

More comprehensively, courts have recognized that "To establish a RICO violation under [18 U.S.C. § 1962](#)(c) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts,'" [Reynolds v. Condon, 908 F.Supp. 1494 \(N.D.W.Va. 1996\)](#).

In [P & P MARKETING, INC. v. Ditton, 746 F. Supp. 1354 \(N.D. Ill. 1990\)](#), the court further clarified that "five elements are common and necessary to every civil RICO claim. These essential elements are: (1) a 'person'; (2) an 'enterprise' engaged in or affecting interstate commerce; (3) 'racketeering activity' which (4) occurred in a 'pattern' and (5) an injury."

## **Definition of an "Association-in-Fact" Enterprise**

The Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) established that "an association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The Court further explained that "an association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.'"

This interpretation is crucial for understanding how individuals who coordinate their actions for a common purpose can form an enterprise under RICO, even without a formal legal structure. As noted in [U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422 \(E.D.N.Y. 2007\)](#), "The 'enterprise' is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages. The existence of an enterprise at all times remains a separate element which must be proved by the Government."

## **Pattern of Racketeering Activity**

The Supreme Court in [H.J. Inc v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#) established that "In order to prove a pattern of racketeering

activity, a plaintiff or prosecutor must show at least two racketeering predicates that are related and that amount to, or threaten the likelihood of, continued criminal activity." The Court further explained that "RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d)."

In determining what constitutes a "pattern," courts have focused on both the relationship between the predicate acts and their continuity. As explained in a legal primer, "A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: \* Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' \* Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged," RICO: A Primer (2022-01-31).

### **Predicate Acts of Racketeering Activity**

The RICO statute identifies specific criminal activities that qualify as predicate acts for establishing a pattern of racketeering activity. These include mail fraud (18 U.S.C. § 1341), wire fraud ([18 U.S.C. § 1343](#)), and obstruction of justice (18 U.S.C. § 1503), [18 U.S.C. § 1961\(1\)](#) (2025).

Courts have consistently recognized these as valid predicate acts for RICO claims. In [City of New York v. Cyco.Net, Inc., 383 F.Supp.2d 526 \(S.D.N.Y. 2005\)](#), the court noted that "Racketeering activity is defined as the commission of one of the offenses (predicate acts) enumerated in [18 U.S.C. § 1961](#)(1). Such racketeering activity under § 1961(1) includes mail fraud in violation of 18 U.S.C. § 1341 and wire fraud in violation of [18 U.S.C. § 1343](#)."

### **Requirement of Interstate Commerce**

For a RICO claim to proceed, the enterprise must engage in or affect interstate commerce. This jurisdictional element is typically satisfied by showing even a minimal connection to interstate commerce. According to a legal source, "Notably, there must be some nexus to interstate or foreign commerce—it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States," RICO: A Primer (2022-01-31).

### **Civil RICO Standing and Injury Requirement**

Under [18 U.S.C. § 1964](#)(c), a plaintiff must demonstrate injury to business or property resulting from the RICO violation. The statute provides that "Any person injured in his business or property by reason of a violation of section

1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee," [18 U.S.C. § 1964\(c\)](#) (2025).

Courts have interpreted this to require a showing of direct injury. In [Egerique v. Chowaiki](#), 19 Civ. 3110 (KPF) (S.D.N.Y. Apr. 24, 2020), the court noted that "RICO affords a private right of action to individuals who are harmed by racketeering activity. See [18 U.S.C. § 1964](#). This private right of action allows a plaintiff to bring a claim under RICO for sustaining injuries 'in his business or property by reason of a violation of section 1962.' [18 U.S.C. § 1964\(c\)](#)."

## **Application of RICO in Divorce Cases**

While RICO claims in divorce proceedings are relatively uncommon, they are not unprecedented. According to one source, "Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment," [Racketeer influenced and corrupt organizations](#) (2005-03-22). The source further notes that a RICO action could potentially succeed in divorce cases if the plaintiff can show "(i) an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements."

## **Analysis of the Prima Facie RICO Case**

### **Existence of an Enterprise**

Based on the alleged facts, the three defendants (Morgan Michelle Myers, Daniel Kenneth Branthoover, and Margie Evonne Wilson) coordinated their actions to achieve common goals: unlawfully removing the plaintiff from his residence, gaining an advantage in divorce proceedings, and finalizing the divorce. Under the Boyle standard, this coordination appears to satisfy the requirements for an "association-in-fact" enterprise.

According to [Boyle v. United States, 556 U.S. 938 \(2009\)](#), an association-in-fact enterprise must have "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The defendants' alleged coordinated actions demonstrate a common purpose (removing the plaintiff and gaining advantage in divorce proceedings), relationships among them (as they worked together), and sufficient longevity to pursue their objectives (as evidenced by the execution of multiple predicate acts over time).

As explained in [Chapter 4. Elements of Cause of Action](#), "an association-in-fact enterprise must have at least three structural features: a purpose,

relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The defendants' alleged coordination to achieve specific goals satisfies these requirements.

## **Effect on Interstate Commerce**

The interstate commerce requirement appears to be satisfied by the alleged transfer of \$1,576 across state lines via PayPal. As noted in RICO: A Primer (2022-01-31), "there must be some nexus to interstate or foreign commerce —it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States." The transfer of funds across state lines via an electronic payment system clearly constitutes activity in interstate commerce.

Courts have generally held that the effect on interstate commerce can be minimal. As explained in [Civil Rico: A Tool of Advocacy](#) (2024-01-01), "RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement." The electronic transfer of funds across state lines would likely satisfy this "minimal effect" standard.

## **Association with the Enterprise**

The defendants are alleged to be the primary participants in the enterprise itself, clearly satisfying the requirement that they were "employed by or associated with" the enterprise. Under [18 U.S.C. § 1962\(c\)](#), it is unlawful for "any person employed by or associated with any enterprise" to conduct the enterprise's affairs through a pattern of racketeering activity [18 U.S.C. § 1962\(c\)](#) (2025).

## **Participation in the Conduct of the Enterprise's Affairs**

The defendants allegedly participated directly in the conduct of the enterprise's affairs by coordinating their actions to unlawfully remove the plaintiff from his residence and gain an advantage in divorce proceedings. According to [Racketeer influenced and corrupt organizations](#) (2010-03-22), "Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. A relationship between the pattern of racketeering activity and the enterprise is required."

The same source clarifies that "One must play some role in directing the affairs of the enterprise to 'conduct or participate' in the affairs of the enterprise." The alleged coordination among the defendants to achieve their common goals suggests that they each played a role in directing the enterprise's affairs.

## **Pattern of Racketeering Activity**

The defendants allegedly engaged in multiple predicate acts that constitute a pattern of racketeering activity:

1. Wire fraud ([18 U.S.C. § 1343](#)): The transfer of \$1,576 across state lines via PayPal as part of the scheme.
2. Mail fraud (18 U.S.C. § 1341): Using the U.S. Mail to serve false documents.
3. Obstruction of justice (18 U.S.C. § 1503): Knowingly filing false statements in court documents to gain an advantage in divorce proceedings.

These predicate acts fall within the definition of "racketeering activity" under [18 U.S.C. § 1961\(1\)](#), which specifically includes mail fraud, wire fraud, and obstruction of justice [18 U.S.C. § 1961\(1\)](#) (2025).

To establish a pattern, these acts must be both related and continuous. According to [H.J. Inc v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), "In order to prove a pattern of racketeering activity, a plaintiff or prosecutor must show at least two racketeering predicates that are related and that amount to, or threaten the likelihood of, continued criminal activity."

The alleged predicate acts appear to be related as they were all part of a common scheme to unlawfully remove the plaintiff from his residence and gain an advantage in divorce proceedings. The continuity requirement may be satisfied by showing either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (a threat of continued criminal activity). The alleged "ongoing communications and threats" suggest the possibility of continued criminal activity, potentially satisfying the open-ended continuity requirement.

According to RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022-03-22), criminal conduct forms a pattern if it "embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events." The alleged predicate acts share common purposes (gaining advantage in divorce proceedings), participants (the three defendants), victims (the plaintiff), and are interrelated parts of a coordinated scheme rather than isolated events.

## **Injury to Business or Property**

The plaintiff alleges specific injuries to business and property resulting from the defendants' racketeering activity:

1. Depletion of funds from the joint marital account
2. Cessation of business operations due to lack of funds
3. Eviction from the residence relied on for livelihood

These alleged injuries satisfy the requirement under [18 U.S.C. § 1964](#)(c) that a plaintiff be "injured in his business or property by reason of a violation of section 1962" [18 U.S.C. § 1964](#)(c) (2025). The financial losses (depletion of funds and cessation of business) clearly constitute injuries to business and property. The eviction from a residence relied on for livelihood also represents an injury to property that affects business interests.

## **Conspiracy to Violate RICO**

In addition to the substantive RICO violation under § 1962(c), the plaintiff also alleges a conspiracy to violate RICO under § 1962(d). According to [18 U.S.C. § 1962](#)(d) (2025), "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section."

The Supreme Court has clarified that a RICO conspiracy does not require that the conspirator personally commit any predicate acts. As noted in [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#), "To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c)."

The alleged coordination among the defendants to achieve their common goals suggests an agreement to conduct the enterprise's affairs through a pattern of racketeering activity, which would satisfy the requirements for a RICO conspiracy under § 1962(d).

## **Exceptions and Caveats**

### **Standing Requirements in Civil RICO Cases**

While the plaintiff appears to have satisfied the basic standing requirements for a civil RICO claim by alleging specific injuries to business and property, courts often scrutinize the causal connection between the alleged RICO violation and the claimed injuries. The plaintiff would need to demonstrate that the injuries were directly caused by the pattern of racketeering activity rather than by other factors.

### **Application of RICO in Divorce Contexts**

As noted in [Racketeer influenced and corrupt organizations](#) (2005-03-22), "Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful." While there have been some successful cases, courts may be hesitant to apply RICO in what might be characterized as primarily domestic disputes.

For a RICO claim to succeed in the divorce context, a plaintiff typically must show more than just standard divorce-related disputes. The source suggests that success may be possible if the plaintiff can demonstrate "(i) an injury to business or property because of the divorce proceedings; (ii) the plaintiff

must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements." The plaintiff's allegations of coordinated actions to unlawfully remove him from his residence, causing business losses and property damage, may distinguish this case from unsuccessful RICO claims in divorce proceedings.

## Pleading Requirements for Fraud-Based Predicate Acts

The plaintiff's reliance on mail fraud and wire fraud as predicate acts may face heightened pleading standards. According to [Civil Rico: A Tool of Advocacy](#) (2024-01-01), "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity." The plaintiff would need to provide specific details about the allegedly fraudulent communications, including their content, timing, and how they furthered the fraudulent scheme.

## Conclusion

Based on the provided legal authorities, the plaintiff has established a prima facie case for a civil RICO claim under [18 U.S.C. § 1962\(c\)](#) and (d). The alleged facts, if proven, would satisfy all the required elements:

1. The existence of an enterprise: The three defendants formed an "association-in-fact" enterprise by coordinating their actions for a common purpose, maintaining relationships, and engaging in conduct with sufficient longevity to pursue their objectives, as defined in [Boyle v. United States, 556 U.S. 938 \(2009\)](#).
2. Effect on interstate commerce: The transfer of funds across state lines via PayPal satisfies the minimal interstate commerce requirement.
3. Association with the enterprise: The defendants were the primary participants in the alleged enterprise.
4. Participation in the conduct of the enterprise's affairs: The defendants allegedly coordinated their activities to direct the enterprise toward its goals.
5. Pattern of racketeering activity: The defendants allegedly committed multiple predicate acts (wire fraud, mail fraud, and obstruction of justice) that were related and demonstrated continuity as part of a common fraudulent scheme.

Additionally, the plaintiff has alleged specific injuries to business and property resulting from the defendants' racketeering activity, satisfying the standing requirements under [18 U.S.C. § 1964\(c\)](#).

While RICO claims in divorce proceedings face certain challenges, the specific allegations in this case—Involving coordinated actions to unlawfully remove the plaintiff from his residence, causing concrete business and

property injuries—may distinguish it from unsuccessful attempts to apply RICO in domestic disputes.

If the plaintiff can provide sufficient evidence and meet the applicable pleading standards, particularly for the fraud-based predicate acts, the *prima facie* case for a civil RICO claim appears to be established based on the available legal authorities.

## Legal Authorities

[Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#)

### U.S. Supreme Court

#### Extract

From the terms of RICO, it is apparent that an association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose. As we succinctly put it in *Turkette*, an association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.' 452 U.S., at 583, 101 S.Ct. 2524.

#### Summary

An association-in-fact enterprise under RICO must have a purpose, relationships among those associated, and longevity to pursue the enterprise's purpose. This supports the proposition that the Defendants formed such an enterprise by coordinating their actions for a common purpose, maintaining relationships, and engaging in conduct over time.

[P & P MARKETING, INC. v. Ditton, 746 F. Supp. 1354 \(N.D. Ill. 1990\)](#)

### U.S. District Court — Northern District of Illinois

#### Extract

Civil actions for RICO violations are authorized by Section 1964(c) which provides that 'any person injured in his business or property by reason of a violation of Section 1962' may recover treble damages and costs including attorney's fees. 18 USC § 1964(c); *H.G. Gallimore, Inc. v. Abdula*, 652 F.Supp. 437 (N.D.Ill.1987). Section 1962 sets out the prohibited conduct. 18 USC § 1962(a)-(d); see *Id.* at 439, 440. Plaintiff has alleged that defendants violated Section 1962(c) which prohibits... Any person employed by or associated with any enterprise, engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of

racketeering activity or collection of unlawful debt. 18 USC § 1962(c). Regardless of which subsection of Section 1962 defendants are alleged to have violated, five elements are common and necessary to every civil RICO claim. These essential elements are: (1) a 'person'; (2) an 'enterprise' engaged in or affecting interstate commerce; (3) 'racketeering activity' which (4) occurred in a 'pattern' and (5) an injury. Id. at 440; 18 USC § 1962(a)-(d).

## **Summary**

Essential elements required to establish a civil RICO claim under 18 U.S.C. § 1962, which directly supports the proposition by confirming the legal framework necessary for such a claim. It emphasizes the need for an enterprise, racketeering activity, and a pattern of such activity, all of which are central to the proposition. The passage also highlights the potential for recovery of damages under 18 U.S.C. § 1964(c), which is relevant to the Plaintiff's claim of injury.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

## **U.S. Supreme Court**

### **Extract**

In order to prove a pattern of racketeering activity, a plaintiff or prosecutor must show at least two racketeering predicates that are related and that amount to, or threaten the likelihood of, continued criminal activity. Proof of neither relationship nor continuity requires a showing that the racketeering predicates were committed in furtherance of multiple criminal schemes. ... RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

## **Summary**

The U.S. Supreme Court has clarified that to establish a "pattern of racketeering activity," there must be at least two related predicate acts that either amount to or pose a threat of continued criminal activity. This interpretation supports the proposition that the Defendants' actions, which include multiple predicate acts such as wire fraud and mail fraud, could constitute a pattern of racketeering activity if they are related and pose a threat of continued criminal activity.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

## **U.S. Supreme Court**

### **Extract**

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, *inter alia*, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.' ... A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must, of course, allege each of these elements to state a claim. Conducting an enterprise that affects interstate commerce is obviously not in itself a violation of § 1962, nor is mere commission of the predicate offenses. In addition, the plaintiff only has standing if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation.

### **Summary**

Elements required to establish a civil RICO claim, which include the conduct of an enterprise through a pattern of racketeering activity and the requirement that the plaintiff be injured in their business or property by the conduct constituting the violation. This directly supports the proposition that the Defendants' coordinated actions could constitute a RICO violation if they meet these elements.

[City of New York v. Smokes-Spirits.Com, Inc., 541 F.3d 425 \(2nd Cir. 2008\)](#)

## **U.S. Court of Appeals – Second Circuit**

### **Extract**

As explained further below, RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity... . ' 18 U.S.C. § 1962(c). The City alleges that defendants engage in such a 'pattern of racketeering' by committing mail or wire fraud each time they use, or cause to be used, the mails or wires to effect a sale of cigarettes to New York City residents without complying with the Jenkins Act's reporting requirements to the State.

## **Summary**

The passage outlines the requirements for establishing a RICO violation under 18 U.S.C. § 1962(c), which includes conducting or participating in an enterprise's affairs through a pattern of racketeering activity. The passage also highlights that mail and wire fraud are considered forms of racketeering activity under RICO. This supports the proposition by providing a legal basis for the claim that the Defendants' actions, which include mail and wire fraud, constitute a pattern of racketeering activity.

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

### **U.S. Court of Appeals — Second Circuit**

#### **Extract**

Two of the RICO counts allege that the fraudulent purchase orders, invoices and credit memoranda constitute a pattern of racketeering activity, the predicate acts being separate and numerous violations of the Mail Fraud Act, 18 U.S.C. Sec. 1341 (1982) and the Wire Fraud Act, 18 U.S.C. Sec. 1343 (1982). The third count charges a RICO conspiracy under 18 U.S.C. Sec. 1962(c) and (d). ... It is helpful to look back to the definition in section 1961(1) of 'racketeering activity,' since we are referred to section 1962 by way of section 1964(c), and section 1962(a) makes 'a pattern of racketeering activity' 'unlawful' in certain circumstances. Section 1961(1) describes four distinct types of such activity. Those under subparagraph (A) include 'any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion or dealing in narcotic or other dangerous drugs, which is chargeable under State law' and is punishable by imprisonment for more than one year (emphasis added). The 'racketeering activity' acts under subparagraph (B) include 'any act which is indictable under' certain provisions of federal law including mail fraud and wire fraud, in addition to other typical organized crime activities (emphasis supplied).

## **Summary**

Elements required to establish a RICO claim, including the need for a pattern of racketeering activity, which can include acts of mail and wire fraud. It also references the statutory definitions under 18 U.S.C. § 1961 and § 1962, which are directly relevant to the proposition that the Defendants engaged in a pattern of racketeering activity through mail and wire fraud. This supports the claim that the Defendants' actions could constitute a RICO violation.

[City of New York v. Cyco.Net, Inc., 383 F.Supp.2d 526 \(S.D. N.Y. 2005\)](#)

### **U.S. District Court — Southern District of New York**

## **Extract**

Plaintiff alleges that the Defendants conducted the management and operation of the affairs of their own enterprises, directly or indirectly, through a pattern of racketeering activity within the meaning of 18 U.S.C. §§ 1961(1)(B), 1961(5), and 1962(c), in violation of 18 U.S.C. § 1962(c), consisting of continuous and multiple instances of mail and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343. (Am.Compl.¶¶ 16, 64, 80, 90.) ... Plaintiff alleges that various Defendants conducted the management and operation of the affairs of an enterprise, directly or indirectly, through a pattern of racketeering activity within the meaning of 18 U.S.C. §§ 1961(1)(B), 1961(5), and 1962(c) and (d), in violation of 18 U.S.C. § 1962(c) and (d), consisting of continuous and multiple instances of mail and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343. (Am.Compl.¶¶ 16, 64, 80, 90.) ... Racketeering activity is defined as the commission of one of the offenses (predicate acts) enumerated in 18 U.S.C. § 1961(1). Such racketeering activity under § 1961(1) includes mail fraud in violation of 18 U.S.C. § 1341 and wire fraud in violation of 18 U.S.C. § 1343.

## **Summary**

The court recognizes the use of mail and wire fraud as predicate acts for establishing a pattern of racketeering activity under RICO. The passage supports the proposition by illustrating how allegations of mail and wire fraud can form the basis of a RICO claim, which is similar to the Plaintiff's allegations against the Defendants in the proposition.

[Egerique v. Chowaiki, 19 Civ. 3110 \(KPF\) \(S.D. N.Y. Apr 24, 2020\)](#)

## **U.S. District Court — Southern District of New York**

### **Extract**

Section 1962(c) makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). Section 1962(d) applies the same prohibitions to a defendant who conspires to violate subsection (c). Of particular significance here, RICO affords a private right of action to individuals who are harmed by racketeering activity. See 18 U.S.C. § 1964. This private right of action allows a plaintiff to bring a claim under RICO for sustaining injuries 'in his business or property by reason of a violation of section 1962.' 18 U.S.C. § 1964(c).

### **Summary**

The passage outlines the legal framework for establishing a RICO claim under 18 U.S.C. § 1962(c) and (d). It confirms that a plaintiff can bring a civil

RICO claim if they have been injured in their business or property due to a violation of section 1962. The passage also highlights the requirement of a "pattern of racketeering activity" and the involvement of an enterprise affecting interstate commerce, which are key elements in the proposition.

[Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#)

### **U.S. District Court — Northern District of West Virginia**

#### **Extract**

The plaintiff here alleges that defendants have violated 18 U.S.C. § 1962(c), which is the provision of RICO that makes it 'unlawful for any person ... associated with an enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity. ...' 18 U.S.C. § 1962(c); Bowman, 985 F.2d at 384 n. 1; Diamonds Plus, Inc., 960 F.2d at 768; Atlas Pile Driving Co., 886 F.2d at 990. Thus, to establish a RICO violation under 18 U.S.C. § 1962(c) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts.'

#### **Summary**

The passage outlines the elements required to establish a RICO violation under 18 U.S.C. § 1962(c), which aligns with the proposition's requirement to demonstrate a pattern of racketeering activity through an enterprise. The passage supports the proposition by confirming the legal framework necessary to establish a RICO claim, which includes demonstrating conduct of an enterprise through a pattern of racketeering activity.

[U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422 \(E.D. N.Y. 2007\)](#)

### **U.S. District Court — Eastern District of New York**

#### **Extract**

The Supreme Court has recognized that '[t]he elements predominant in a [§ 1962] subsection (c) violation are: (1) the conduct (2) of an enterprise (3) through a pattern of racketeering activity' Salinas v. United States, 522 U.S. 52, 62, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997); see also Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985)... The 'enterprise' is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages. The existence of an enterprise at all times remains a separate element which must be proved by the Government.

## **Summary**

The passage outlines the necessary elements to establish a RICO violation under 18 U.S.C. § 1962(c), which includes the conduct of an enterprise through a pattern of racketeering activity. It emphasizes the distinction between the enterprise and the pattern of racketeering activity, which is crucial in establishing a RICO claim. This supports the proposition by providing a legal framework for understanding how the Defendants' coordinated actions could constitute a RICO violation.

[Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#)

## **U.S. Supreme Court**

### **Extract**

2. To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c). Section 1962(d)-which forbids 'any person to conspire to violate' §1962(c)-is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy's object.

## **Summary**

Under 18 U.S.C. § 1962(d), a person can be convicted of conspiracy to violate RICO without having committed or agreed to commit the predicate acts themselves. This supports the proposition that the Defendants could be found liable for conspiring to violate RICO if they coordinated their actions to achieve a common goal, even if they did not individually commit all the predicate acts.

[Lockhart v. Deluca](#)

## **U.S. District Court — Eastern District of Michigan**

### **Extract**

The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb "racketeering activity," which it defines as any act "chargeable" under several generically described state criminal laws, any act "indictable" under numerous specific federal criminal provisions, including mail and wire fraud, and any "offense" involving bankruptcy or securities fraud or drug-related activities that is "punishable" under federal law." 18 U.S.C. § 1961(1); see also Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 481-82 (1985). For violations of RICO, Congress has provided primarily criminal penalties. See 18 U.S.C. § 1963. But § 1964 establishes a

civil cause of action for “[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. § 1962].” To state a RICO claim, a plaintiff must plead: “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” *Sedima, S.P.R.L.*, 473 U.S. at 496.

## **Summary**

Elements required to establish a RICO claim, which aligns with the proposition's requirements for proving a civil RICO claim. It highlights the necessity of demonstrating conduct of an enterprise through a pattern of racketeering activity, which is central to the proposition. The passage also references *Sedima, S.P.R.L. v. Imrex Co.*, a key case cited in the proposition, reinforcing the legal framework for RICO claims.

[Mauriber v. Shearson/American Exp., Inc., 546 F.Supp. 391 \(S.D. N.Y. 1982\)](#)

### **U.S. District Court — Southern District of New York**

#### **Extract**

RICO makes it unlawful (1) for any person to use or invest any income derived from 'a pattern of racketeering activity ... in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in ... interstate or foreign commerce,' 18 U.S.C. § 1962(a); (2) 'for any person to acquire or maintain through a pattern of racketeering any interest in or control of any enterprise engaged in interstate or foreign commerce', id. § 1962(b); (3) 'for any person employed by or associated with any enterprise engaged in ... interstate ... commerce, to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt,' id. § 1962(c); and (4) 'for any person to conspire to violate any of the above provisions.' Id. § 1962(d).

## **Summary**

The passage from *Mauriber v. Shearson/American Exp., Inc.* provides a clear explanation of the statutory framework of RICO under 18 U.S.C. § 1962, which is directly relevant to the proposition. It outlines the unlawful activities under RICO, including conducting or participating in an enterprise's affairs through a pattern of racketeering activity and conspiring to violate these provisions. This supports the proposition by confirming that the Defendants' alleged actions, if proven, could constitute a violation of RICO under sections 1962(c) and (d).

[Gutierrez v. Givens, 1 F.Supp.2d 1077 \(S.D. Cal. 1998\)](#)

### **U.S. District Court — Southern District of California**

## **Extract**

To state a cause of action under RICO, Plaintiffs must establish (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity (5) causing injury to the Plaintiffs' business or property by the conduct constituting the violation. See *Sedima v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985). RICO, in pertinent part, defines 'racketeering activity,' as 'any act or threat ... which is indictable' under an enumerated list of offenses codified in Title 18 of United States Code and 'which is chargeable under State law and punishable by imprisonment for more than one year.' 18 U.S.C. § 1961(1). A pattern of racketeering activity exists when a person commits two or more specified acts ('predicate acts') that have sufficient continuity and relationship so as to pose a threat of continued criminal activity.

## **Summary**

The passage outlines the necessary elements to establish a RICO claim, which aligns with the proposition's requirements. It confirms that a pattern of racketeering activity requires at least two predicate acts that are related and pose a threat of continued criminal activity. This supports the proposition that the Defendants' actions could constitute a RICO violation if they meet these criteria.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

## **U.S. District Court — Middle District of Florida**

### **Extract**

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: (a) investing income derived, directly or indirectly, from a pattern of racketeering activity through collection of an unlawful debt in any enterprise which affects interstate commerce; (b) acquiring or maintaining an interest in any enterprise which affects interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt; (c) conducting or participating in the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt; or (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962. 'Racketeering activities' covers a wide range of federal and state crimes, including acts that are 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that [are] 'punishable' under federal law.' *Sedima, S.P.R.L. v. Imrex Co. Inc.*, 473 U.S. 479, 482, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985) (quoting 18 U.S.C. §

1961(1)). To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Finally, 'enterprise' is defined under the statute as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Id. § 1961(c). RICO establishes both criminal and civil penalties for violations of Section 1962. The civil remedies provision provides a private cause of action for 'any person injured in his business or property by reason of a violation of Section 1962.' 18 U.S.C. § 1961(c).

## **Summary**

Elements required to establish a civil RICO claim, which includes the existence of an enterprise, a pattern of racketeering activity, and an injury to business or property caused by the violation. It also specifies that mail and wire fraud are considered predicate acts of racketeering activity. This directly supports the proposition that the Defendants' actions, which include wire fraud and mail fraud, could constitute a pattern of racketeering activity under RICO.

## [18 U.S.C. § 1962 18 U.S.C. § 1962 Prohibited Activities](#)

### **Extract**

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

## **Summary**

18 U.S.C. § 1962(c) and (d) make it unlawful for individuals associated with an enterprise affecting interstate commerce to engage in or conspire to engage in racketeering activities. This directly supports the proposition that the Defendants' coordinated actions to unlawfully remove the Plaintiff from his residence and gain an advantage in divorce proceedings could constitute a violation of these provisions if they engaged in a pattern of racketeering activity.

## [18 U.S.C. § 1961 18 U.S.C. § 1961 Definitions](#)

## **Extract**

As used in this chapter- 'racketeering activity' means ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice), ... 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

## **Summary**

The passage provides definitions for key terms used in the RICO statute, such as "racketeering activity," "enterprise," and "pattern of racketeering activity." These definitions are crucial for establishing the elements of a RICO claim, as they outline what constitutes racketeering activity (including mail fraud, wire fraud, and obstruction of justice) and what is required to demonstrate a pattern of such activity. The passage supports the proposition by confirming that the alleged actions of the Defendants (mail fraud, wire fraud, and obstruction of justice) are recognized as predicate acts under RICO, and that an "association-in-fact" enterprise can be formed by a group of individuals working together for a common purpose.

## [18 U.S.C. § 1964](#) [18 U.S.C. § 1964 Civil Remedies](#)

## **Extract**

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

## **Summary**

The passage from 18 U.S.C. § 1964(c) provides the legal framework for a plaintiff to bring a civil RICO claim if they have been injured in their business or property due to a violation of 18 U.S.C. § 1962. This directly supports the proposition that the Plaintiff can establish a civil RICO claim against the Defendants for their coordinated actions that resulted in injury to the Plaintiff's business and property. The passage also outlines the potential remedies available, including treble damages and attorney's fees, which are relevant to the Plaintiff's claim.

## [18 U.S.C. § 1343](#) [18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

## **Extract**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

## **Summary**

18 U.S.C. § 1343 defines wire fraud as a crime involving the transmission of communications in interstate or foreign commerce for the purpose of executing a scheme to defraud. This statute is relevant to the proposition because wire fraud is identified as a predicate act of racketeering activity under RICO. The Defendants' alleged actions, such as the transfer of funds across state lines via PayPal, could constitute wire fraud, thereby supporting the claim of a pattern of racketeering activity.

### Racketeer influenced and corrupt organizations.

**American Criminal Law Review - Georgetown University Law Center - Sacks, Michele - 2005-03-22**

## **Extract**

Within the field of family law, civil RICO claims have been attempted in divorce cases, (342) but most plaintiffs have been unsuccessful. (343) However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings (344) has twice survived motions for summary judgment. (345) At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements;

## **Summary**

Civil RICO claims can be applied in divorce cases if the plaintiff can demonstrate injury to business or property and that the defendants acted as part of an enterprise to further fraudulent activities. This aligns with the proposition that the Defendants coordinated their actions to unlawfully remove the Plaintiff from his residence and gain an advantage in divorce proceedings.

## [Racketeer Influenced and Corrupt Organizations Act.](#)

**American Criminal Law Review - Georgetown University Law Center - Bailey, Lisa Pritchard - 1999-06-22**

### **Extract**

The first element of RICO requires two or more predicate acts of 'racketeering activity.'(28) RICO defendants need not be convicted of each underlying offense before a civil or criminal RICO offense is charged.(29) Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. These crimes include: (a) certain acts that are chargeable under state laws and punishable by imprisonment for more than one year;(30) (b) acts that are indictable under specified provisions of Title 18;(31)... In *Reves v. Ernst & Young*,(189) the Supreme Court held that the requisite nexus exists only when the defendant's predicate acts 'rise to the level' of participation in the management or operation of the enterprise. Although RICO liability does not rest solely upon those with primary responsibility for the enterprise's affairs, to 'conduct or participate' in the affairs of the enterprise, one must play some role in directing the affairs of the enterprise.(190)...

### **Summary**

The RICO statute requires at least two predicate acts of racketeering activity, which can include a variety of state and federal crimes. The passage also clarifies that defendants do not need to be convicted of these underlying offenses before a RICO charge is brought. Additionally, the *Reves v. Ernst & Young* case establishes that participation in the enterprise's affairs requires some level of management or operational involvement, which aligns with the proposition that the Defendants coordinated their actions to achieve a common goal.

## [Chapter Five: The Racketeer Influenced and Corrupt Organizations \(RICO\) Statute, 18 U.S.C. §§ 1961-1968](#)

**Business Torts Litigation. Fifth Edition - American Bar Association - Robert W. Dibert**

### **Extract**

5.5 General Elements of Section 1962(c) Section 1962(c) of RICO prohibits the conduct of an enterprise through a pattern of racketeering activity. To prove liability under section 1962(c), the plaintiff must establish each of the following elements by a preponderance of the evidence: First, that the defendant was a person employed by or associated with an enterprise that the plaintiff alleges to be [identify the enterprise]; Second, that [the enterprise] was engaged in, ... 5.8 Conduct 5.8.1 Insiders Among the other elements the plaintiff must prove to establish RICO liability on the part of the defendant are that the defendant was employed by or associated with

the enterprise and conducted or participated in the conduct of the affairs of the enterprise through a pattern of racketeering activity. In this regard, you must find that the defendant participated in the operation or management of the enterprise itself and was involved in the alleged unlawful activities. To participate in the operation or management of an enterprise, a defendant must have had some part in directing the enterprise's affairs ... 5.9

Racketeering Activity The next term I will define for you is the term "act of racketeering activity." An act of racketeering activity includes any act or threat that is indictable as a violation of certain federal statutes, or chargeable under certain state criminal laws. Here, the plaintiff contends that defendant engaged in [describe the RICO violations that are alleged].

COMMENT As noted in Section 5.1 supra, 18 U.S.C. § 1961(1) identifies the RICO predicate "acts of racketeering activity." The most commonly charged RICO predicate acts are mail fraud and wire fraud, 18 U.S. ... 5.11 Pattern of Racketeering Activity 5.11.1 Definition Now I will define the term "pattern of racketeering activity." A pattern of racketeering activity requires at least two acts of racketeering activity within ten years of each other [one of which must have occurred after October 15, 1970]. Those acts must be related to each other, and must also amount to, or pose a threat of, continuing criminal activity. [Here, describe the alleged pattern of racketeering activity.] In determining whether these alleged acts, if proved, constituted a pattern of racketeering activity, you should consider the following factors. First, acts are "related" within the meaning of RICO if they embrace criminal acts that have the same or ... rupt Organizations (RICO) Statute (a) That the defendant conspired with others to violate section 1962 [insert applicable subsection]; (b) That the defendant knowingly agreed with others to become part of the alleged conspiracy; (c) That when the defendant joined in the agreement, the defendant had the specific intent either to personally participate in committing at least two acts of racketeering; or else to participate in the enterprise's affairs, knowing that some other member(s) of the conspiracy would commit at least two acts of racketeering and intending to help them as part of a pattern of racketeering activity; and (d) That the plaintiff suffered an injury caused by an "act of racketeering activity" as I have defined that term.

## **Summary**

The passages outline the elements required to establish a RICO claim under 18 U.S.C. § 1962(c) and (d), including the need for an enterprise, the defendant's association with the enterprise, participation in the enterprise's affairs through a pattern of racketeering activity, and the requirement of at least two predicate acts. The passages also define what constitutes racketeering activity and a pattern of such activity, which are essential to the proposition. The material provides a legal framework that supports the proposition that the Defendants' coordinated actions could be considered a RICO violation.

[Racketeer influenced and corrupt organizations.](#)

## **Extract**

The first element of RICO requires two or more predicate acts of 'racketeering activity.'(28) RICO defendants need not be convicted of each underlying offense before a civil or criminal RICO offense is charged.(29) Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. These crimes include: (a) certain acts that are chargeable under state laws and punishable by imprisonment for more than one year;(30) (b) acts that are indictable under specified provisions of Title 18;(31)... conducting the affairs of an enterprise through a pattern of racketeering activity;(180) and (4) conspiring to do any of the above.(181)... 'enterprise' in [[sections] 1962(c)] connotes generally the vehicle through which the unlawful pattern of racketeering activity is committed, rather than the victim of that activity.

## **Summary**

The passage outlines the requirements for establishing a RICO claim, including the need for two or more predicate acts of racketeering activity, the definition of an enterprise, and the conduct of an enterprise's affairs through a pattern of racketeering activity. This supports the proposition by providing the legal framework necessary to argue that the Defendants' actions meet the criteria for a RICO claim.

### Racketeer influenced and corrupt organizations.

## **Extract**

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. A relationship between the pattern of racketeering activity and the enterprise is required. In *Reves v. Ernst & Young*, the Supreme Court held that the requisite nexus exists only when the defendant participates in the management or operation of the enterprise. Actions involving a low degree of decision-making may not constitute participation in the affairs of the enterprise. One must play some role in directing the affairs of the enterprise to 'conduct or participate' in the affairs of the enterprise.

## **Summary**

Participation requires some role in directing the enterprise's affairs, which aligns with the proposition that the defendants coordinated their actions to

achieve a common goal. The passage supports the notion that the defendants' actions could constitute participation in an enterprise's affairs if they were involved in managing or operating the enterprise.

### [Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Holt, Michael W. - 2009-03-22**

#### **Extract**

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. A relationship between the pattern of racketeering activity and the enterprise is required. ... 'A person does not have to be formally convicted of any predicate act before liability under 18 U.S.C. [section] 1962(c) may attach.' BancOklahoma Mortg. Corp., 194 F.3d at 1102; see also Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 488 (1985) (holding fact that defendants had not been convicted of predicate acts under mail or wire fraud statutes did not bar plaintiff's claim).

#### **Summary**

The passage explains that under 18 U.S.C. § 1962(c), individuals associated with an enterprise can be held liable for conducting the enterprise's affairs through a pattern of racketeering activity. It also clarifies that a formal conviction of predicate acts is not necessary for liability to attach, which supports the proposition that the Defendants can be held liable under RICO even if they have not been formally convicted of the alleged predicate acts. This aligns with the Plaintiff's claim that the Defendants engaged in a pattern of racketeering activity to achieve their objectives.

### [Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Douglass, Sean M. - 2011-03-22**

#### **Extract**

To prosecute a defendant under RICO, the government must prove that the defendant: (i) through the commission of two or more acts constituting a pattern of racketeering activity; (ii) directly or indirectly invested in, maintained an interest in, or participated in, an enterprise; (iii) the activities of which affected interstate or foreign commerce. ... The effect on interstate commerce element may also be satisfied by proof that the enterprise's activities have an impact on interstate commerce, including activities that 'affect interstate commerce by impacting the victim.' ... Activities expressly

prohibited under [section] 1962 include: (i) investing income from a pattern of racketeering activity; (ii) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (iii) conducting the affairs of an enterprise through a pattern of racketeering activity; and (iv) conspiring to do any of the above.

## Summary

The passage outlines the elements required to prosecute a defendant under RICO, which aligns with the elements needed to establish a civil RICO claim as described in the proposition. The passage confirms that a pattern of racketeering activity, participation in an enterprise, and an effect on interstate commerce are necessary components, which are all elements present in the proposition.

### [Chapter 4. Elements of Cause of Action](#)

**Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph**

## Extract

A pattern of racketeering activity is a series of criminal acts as defined in § 1961(1), and the enterprise is generally a group of persons associated together for a common purpose of engaging in a course of conduct" (emphasis in original). In Turkette, the Supreme Court declared that "[t]he 'enterprise' is not the 'pattern of racketeering activity,' it is an entity separate and apart from the pattern of activity in which it engages." Turkette, 452 U.S. at 583. Boyle addressed the question: "[M]ust the 'structure' go 'beyond that inherent in the pattern of racketeering activity' in which its members engage?" Boyle, 566 U.S. at 945. Boyle answered this in the affirmative.

## Summary

The passage explains the distinction between an "enterprise" and a "pattern of racketeering activity," emphasizing that an enterprise is a separate entity from the pattern of activity. This supports the proposition by clarifying that the Defendants formed an "association-in-fact" enterprise, as defined in Boyle, by coordinating their actions for a common purpose. The passage also highlights the requirement for a structure beyond the inherent pattern of racketeering activity, which aligns with the Defendants' coordinated actions to achieve their objectives.

### [Racketeer Influenced and Corrupt Organizations](#)

**American Criminal Law Review - Georgetown University Law Center -  
Adam Governale, Keyes Gilmer, Elizabeth Hadley, Caroline Lagumina,  
Omoyele Okunola - 2022-07-01**

**Extract**

Section 1962(c), the most commonly used RICO provision, prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or affairs of that enterprise through a pattern of racketeering activity. A relationship, or nexus, between the pattern of racketeering activity and the enterprise is required. ... the 'enterprise' in [§ 1962(c)] connotes generally the vehicle through which the unlawful pattern of racketeering activity is committed, rather than the victim of that activity. Subsection (c) makes it unlawful for 'any person employed by or associated with any enterprise . . . to conduct or participate . . . in the conduct of such enterprise's affairs through a pattern of racketeering activity . . . .' Consequently, since the enterprise in subsection (c) is not being acquired, it need not have a property interest that can be acquired nor an economic motive for engaging in illegal activity; it need only be an association in fact that engages in a pattern of racketeering activity.

**Summary**

The passage explains the requirements for a RICO claim under § 1962(c), emphasizing the need for an enterprise and a pattern of racketeering activity. It supports the proposition by clarifying that an "association-in-fact" enterprise can exist without a property interest or economic motive, aligning with the Plaintiff's claim that the Defendants formed such an enterprise to achieve their unlawful goals.

**RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**

**American Criminal Law Review - Georgetown University Law Center -  
2021-07-01**

**Extract**

conducting, or participating in the conduct of, the affairs of an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of unlawful debt; or (D) conspiring to participate in any of these activities. To prosecute a defendant under RICO, the government must prove the defendant: directly or indirectly invested in, maintained an interest in, or participated in an enterprise; through the commission of two or more acts; constituting a pattern of racketeering activity; affecting interstate or foreign commerce. Parts A through E of this section examine the elements of a RICO offense. Part F addresses prohibited acts.

## **Summary**

The passage outlines the elements necessary to establish a RICO violation, including the requirement of participating in an enterprise through a pattern of racketeering activity affecting interstate commerce. This directly supports the proposition that the Defendants' actions could constitute a RICO violation if they engaged in a pattern of racketeering activity as part of an enterprise affecting interstate commerce.

### [Civil Rico: A Tool of Advocacy](#)

#### **The Brief - American Bar Association - 2024-01-01**

#### **Extract**

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

## **Summary**

Essential elements required to establish a civil RICO claim under 18 U.S.C. § 1962(c), which includes conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for particularity in pleading fraud-related RICO claims and highlights the minimal effect on interstate commerce required. This supports the proposition by confirming the legal framework and requirements for a civil RICO claim, which align with the Plaintiff's allegations against the Defendants.

### [RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

#### **Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22**

## **Extract**

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

## **Summary**

The passage provides a detailed explanation of what constitutes a "pattern of racketeering activity" under RICO. It highlights the need for related criminal acts that are not isolated and have continuity, either through repeated conduct or conduct that poses a threat of future repetition. This directly supports the proposition that the Defendants' actions form a pattern of racketeering activity as they were part of a common fraudulent scheme with continuity and related criminal acts.

### [RICO: A Primer](#)

## **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. § 1831 (economic espionage); 18 U.S.C. § 1832 (theft of trade secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. Notably, there must be some nexus to interstate or foreign commerce—it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States.

## **Summary**

The passage outlines that mail and wire fraud are common predicate acts under RICO, which aligns with the proposition that the Defendants engaged in such acts. It also emphasizes the requirement of a nexus to interstate commerce, which is relevant to the Plaintiff's claim that the Defendants' actions affected interstate commerce. The passage supports the elements required to establish a RICO claim, including the existence of an enterprise and a pattern of racketeering activity.

## [RICO: A Primer](#)

### **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. § 1831 (economic espionage); 18 U.S.C. § 1832 (theft of trade secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. Notably, there must be some nexus to interstate or foreign commerce—it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States. ... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either:

- \* Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.'
- \* Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

### **Summary**

Elements required to establish a RICO claim, including the need for predicate acts such as mail and wire fraud, which are relevant to the proposition. It also discusses the requirement for a nexus to interstate commerce and the concept of continuity in demonstrating a pattern of racketeering activity. These elements are directly relevant to the proposition, which alleges that the Defendants engaged in a pattern of racketeering activity through mail and wire fraud, affecting interstate commerce.

This memo was compiled by Vincent AI based on vLex materials available as of June 16, 2025. [View full answer on vLex](#)