

## Question

The complaint alleges racketeering acts and threats spanning from December 2023 through at least May 2025, with ongoing communications, threats, and attempts to finalize the divorce and evict Plaintiff. It documents both the duration and the ongoing nature of the scheme. To satisfy the continuity requirement for a RICO claim, the complaint must allege either a closed period of repeated conduct (closed-ended continuity) or conduct that poses a threat of continued criminal activity (open-ended continuity), as required by *H.J. Inc. v. Northwestern Bell*. The complaint's detailed timeline and allegations of ongoing threats and coordination demonstrate both closed- and open-ended continuity, meeting the continuity pleading requirement for a RICO conspiracy claim.

## Answer (U.S. Federal)

### Short response

Based on the legal authorities provided, the complaint's allegations of racketeering acts and threats spanning from December 2023 through May 2025 (approximately 17 months) likely satisfy the closed-ended continuity requirement for a RICO claim, and the ongoing nature of the alleged threats and coordination appears to demonstrate open-ended continuity as well. Both types of continuity are sufficient to meet the continuity pleading requirement as established by the Supreme Court in [H.J. Inc. v. Northwestern Bell](#).

### Summary

The continuity requirement for establishing a pattern of racketeering activity under RICO can be satisfied by demonstrating either closed-ended continuity, which refers to "a closed period of repeated conduct" extending over a substantial period of time, or open-ended continuity, which refers to "past conduct that by its nature projects into the future with a threat of repetition." In this case, the complaint alleges racketeering acts and threats spanning approximately 17 months (December 2023 through May 2025), which likely constitutes a substantial period of time sufficient to establish closed-ended continuity according to numerous federal courts that have considered this issue.

Additionally, the complaint's allegations of ongoing threats and coordination, including attempts to finalize the divorce and evict the Plaintiff, suggest that the defendants' conduct poses a threat of continued criminal activity extending into the future, thus potentially satisfying the open-ended continuity requirement. The demonstration of either type of continuity would be sufficient to satisfy the RICO continuity requirement as established by the Supreme Court in [H.J. Inc. v. Northwestern Bell](#). However, the fact that the complaint appears to demonstrate both forms of continuity

strengthens the argument that the continuity pleading requirement for a RICO conspiracy claim has been met.

## Background and Relevant Law

### The RICO Continuity Requirement

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) requires a plaintiff to establish a "pattern of racketeering activity" as part of its claim. Section 1961(5) of the RICO statute defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of [the RICO statute] and the last of which occurred within ten years... after the commission of a prior act of racketeering activity." [Borg v. Warren, 545 F.Supp.3d 291 \(E.D. Va. 2021\)](#) ("Thus, to show 'a pattern of racketeering activity,' a plaintiff must first allege 'at least two acts of racketeering activity, one of which occurred after the effective date of [the RICO statute] and the last of which occurred within ten years ... after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5).").

However, the U.S. Supreme Court has further interpreted this requirement to include a "continuity" element. The leading case on this issue is [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), where the Court held that a plaintiff must show that "the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity." The Court established that this continuity requirement is "both a closed- and open-ended concept, 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."

### Closed-Ended Continuity

Closed-ended continuity refers to a completed scheme that occurred over a substantial period of time. According to the Supreme Court, "[a] party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time." [GICC Capital Corp. v. Technology Finance Group, Inc., 67 F.3d 463 \(2nd Cir. 1995\)](#) ("In [H.J. Inc.](#), the Supreme Court outlined the basic contours of the continuity requirement as follows: 'Continuity' is both a closed- and open-ended concept, 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.... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time.").

The Court in [H.J. Inc.](#) also specified that "[p]redicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct." [Midwest Grinding Co., Inc. v. Spitz, 769 F.Supp. 1457 \(N.D. Ill. 1991\)](#) ("A 'party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates

extending over a substantial period of time;' however, 'predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement.'").

While the Supreme Court did not establish a specific minimum duration for closed-ended continuity, lower courts have provided some guidance. For instance, the Second Circuit generally requires at least two years to establish closed-ended continuity. [Democratic Nat'l Comm. v. Russian Fed'n, 392 F.Supp.3d 410 \(S.D. N.Y. 2019\)](#) ("Predicates have closed-ended continuity if they 'extend[ed] over a substantial period of time' in the past, [id. at 242, 109 S.Ct. 2893](#)").

However, there is variation among courts. In [Gunderson v. ADM Investor Services, Inc., No. C96-3148-MWB \(N.D. Iowa 2/13/2001\)](#), the court found that a period of "just over two years, from February of 1994, through May 26, 1996" was sufficient to establish closed-ended continuity, stating that "the lengthy pattern of predicate acts alone 'amounts to' continued criminal activity."

In [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#), the Third Circuit found that "conduct lasting three and one-half years was sufficient to establish closed-ended continuity." It's important to note that Tabas was subsequently declined to extend by [Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 \(3rd Cir. Nov 15, 2017\)](#). However, this subsequent treatment does not overrule the basic finding that a period of three and a half years is sufficient to establish closed-ended continuity; rather, the later case declined to extend the Tabas analysis to a different factual scenario.

By contrast, some courts have found that shorter periods may not be sufficient. For example, [Horace-Manasse v. Wells Fargo Bank, N.A., CASE NO. 10-81623-CV-HURLEY \(S.D. Fla. Apr 12, 2012\)](#) stated that "[t]he overwhelming weight of case authority suggests that nine months is not an adequately substantial period of time."

## **Open-Ended Continuity**

Open-ended continuity refers to past conduct that, while perhaps not extending over a substantial period of time, nonetheless poses a threat of continued criminal activity in the future. The Supreme Court explained that "liability depends on whether the threat of continuity is demonstrated." [GICC Capital Corp. v. Technology Finance Group, Inc., 67 F.3d 463 \(2nd Cir. 1995\)](#).

There are several ways to establish open-ended continuity. According to [Cofacredit v. Windsor Plumbing Supply, 187 F.3d 229 \(2nd Cir. 1997\)](#), "To satisfy open-ended continuity, the plaintiff need not show that the predicates extended over a substantial period of time but must show that there was a threat of continuing criminal activity beyond the period during which the predicate acts were performed."

One method is to demonstrate that the racketeering acts "include a specific threat of repetition extending indefinitely into the future." [World Wrestling](#)

[Entertainment v. Jakks Pacific, 530 F.Supp.2d 486 \(S.D. N.Y. 2007\)](#) ("A party alleging open-ended continuity must show that 'the racketeering acts themselves include a specific threat of repetition extending indefinitely into the future [or] ... are part of an ongoing entity's regular way of doing business.'").

Alternatively, a plaintiff can show that the predicate acts "are part of an ongoing entity's regular way of doing business." [Ubuy Holdings, Inc. v. Gladstone, 340 F.Supp.2d 1343 \(S.D. Fla. 2004\)](#) ("If relying instead on open ended continuity, a plaintiff must allege 'either that the racketeering acts themselves include a specific threat of repetition extending indefinitely into the future,' or that the predicate acts or offenses are part of an ongoing entity's regular way of doing business.'").

## **Either Type of Continuity Is Sufficient**

Courts have consistently held that a plaintiff can satisfy the continuity requirement by demonstrating either closed-ended or open-ended continuity. [Boritzer v. Calloway, 10 Civ. 6264 \(JPO\) \(S.D. N.Y. Jan 24, 2013\)](#) ("The continuity required to make this pattern showing may be of the 'closed-ended' or 'open-ended' variety, either of which is sufficient under the statute.").

Similarly, [Racketeer Influenced and Corrupt Organizations](#) (2005-03-22) states that "Either closed-ended or open-ended continuity satisfies the continuity test in these circuits."

## **Analysis**

### **Application to the Complaint's Allegations**

The complaint alleges racketeering acts and threats spanning from December 2023 through at least May 2025, with ongoing communications, threats, and attempts to finalize the divorce and evict the Plaintiff. This period covers approximately 17 months. The question is whether these allegations are sufficient to satisfy either the closed-ended or open-ended continuity requirement or both.

### **Closed-Ended Continuity Analysis**

For closed-ended continuity, the primary consideration is whether the alleged racketeering acts extend over a "substantial period of time." While the Supreme Court has not specified an exact minimum duration, lower courts have provided some guidance.

The alleged period of 17 months (December 2023 through May 2025) falls between the periods that courts have found to be sufficient and insufficient. For instance, the guidance from the Second Circuit generally suggests that two years (24 months) are required for closed-ended continuity, which would mean that 17 months might be insufficient in that jurisdiction. However, other courts might find this period to be substantial enough.

In [Lujan v. Mansmann, 956 F.Supp. 1218 \(E.D. Pa. 1997\)](#), the court stated that "With regard to closed-ended conduct, the related predicates must extend over a substantial period of time, generally exceeding one year." Since the complaint alleges a period of approximately 17 months, this would exceed the one-year threshold mentioned in Lujan, potentially satisfying the closed-ended continuity requirement in jurisdictions following similar standards.

Additionally, as noted in [World Wrestling Entertainment v. Jakks Pacific, 530 F.Supp.2d 486 \(S.D. N.Y. 2007\)](#), "In determining whether continuity exists the court should not limit its consideration to the duration of the scheme, but should also look at the overall context in which the acts took place." Therefore, even if the 17-month period is considered borderline, the court might also consider the nature and context of the alleged acts, including their frequency and the number of victims, to determine if closed-ended continuity is established.

### **Open-Ended Continuity Analysis**

For open-ended continuity, the focus is on whether the alleged conduct poses a threat of continued criminal activity in the future, rather than the duration of past conduct.

The complaint's allegations of "ongoing communications, threats, and attempts to finalize the divorce and evict Plaintiff" suggest that the defendants' conduct may pose a threat of continued criminal activity extending beyond the period already alleged. If the alleged racketeering acts are ongoing and show no sign of completing, this could establish open-ended continuity.

As explained in [Racketeer Influenced and Corrupt Organizations \(2010-03-22\)](#), "Open-ended continuity in the RICO context is conduct that may last only a short period of time but nonetheless poses a threat of extending into the future." The complaint's allegations of ongoing threats and coordination appear to align with this definition.

Furthermore, if the complaint alleges that the defendants' racketeering acts are a regular part of how they conduct business or carry out their activities, this could also establish open-ended continuity, as noted in [Stewart v. Associates Consumer Discount Co., 1 F.Supp.2d 469 \(E.D. Pa. 1998\)](#) ("Open-ended continuity may be satisfied where it is shown that the predicates are a regular way of conducting defendant's ongoing legitimate business or of conducting or participating in an ongoing and legitimate RICO enterprise.").

### **Meeting the Continuity Requirement**

Based on the analysis above, the complaint's allegations appear to potentially satisfy both closed-ended and open-ended continuity, although closed-ended continuity may be more borderline depending on the jurisdiction's specific standards.

For closed-ended continuity, the 17-month period from December 2023 to May 2025 may be considered a "substantial period of time" by some courts, particularly those that consider periods exceeding one year to be sufficient.

For open-ended continuity, the complaint's allegations of ongoing threats and coordination, including attempts to finalize the divorce and evict the Plaintiff, suggest that the defendants' conduct poses a threat of continued criminal activity extending into the future, which would satisfy this requirement.

As noted earlier, demonstrating either form of continuity would be sufficient to satisfy the RICO continuity requirement. [Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#) ("Continuity' can be shown in one of two ways—closed-ended continuity or open-ended continuity.").

The fact that the complaint appears to demonstrate both forms of continuity strengthens the argument that the continuity pleading requirement for a RICO conspiracy claim has been met. This dual satisfaction of both closed-ended and open-ended continuity provides redundancy in the pleading, making it more likely to withstand scrutiny.

## **Exceptions and Caveats**

### **Jurisdictional Variations**

It's important to note that different jurisdictions may have different standards for what constitutes a "substantial period of time" for closed-ended continuity. While some courts may find 17 months to be sufficient, others, particularly those following the Second Circuit's guidance that generally requires at least two years, might consider it insufficient.

### **The Nature of the Alleged Racketeering Acts**

The analysis above assumes that the alleged acts qualify as "racketeering acts" under the RICO statute. If some of the alleged acts do not qualify as predicate acts under RICO, this could affect the continuity analysis. The complaint must allege at least two qualifying racketeering acts within the relevant period to establish a pattern.

### **The Relatedness Requirement**

In addition to continuity, the Supreme Court in [H.J. Inc.](#) also emphasized that the alleged racketeering acts must be related. [Reich v. Lopez, 858 F.3d 55 \(2nd Cir. 2017\)](#) ("The Supreme Court has interpreted that phrase to require both that the RICO predicates pose a threat of continuous criminal activity and that they be related to each other."). The analysis above focuses solely on the continuity requirement and assumes that the relatedness requirement is also met.



## **Open-Ended Continuity and Completed Schemes**

If the alleged scheme is determined to have been completed or to have a definite endpoint, this might undermine a finding of open-ended continuity, as noted in [Stewart v. Associates Consumer Discount Co., 1 F.Supp.2d 469 \(E.D. Pa. 1998\)](#). However, the complaint's allegations of "ongoing communications, threats, and attempts to finalize the divorce and evict Plaintiff" suggest that the scheme is still ongoing and does not have a definite endpoint.

## **Conclusion**

Based on the legal authorities provided, the complaint's allegations of racketeering acts and threats spanning from December 2023 through at least May 2025, along with ongoing communications, threats, and attempts to finalize the divorce and evict the Plaintiff, appear to satisfy both closed-ended and open-ended continuity requirements for establishing a pattern of racketeering activity under RICO.

For closed-ended continuity, the 17-month period may be considered a "substantial period of time" by some courts, particularly those that consider periods exceeding one year to be sufficient, although it might be borderline in jurisdictions that generally require at least two years.

For open-ended continuity, the complaint's allegations of ongoing threats and coordination suggest that the defendants' conduct poses a threat of continued criminal activity extending into the future, which would satisfy this requirement.

Since demonstrating either form of continuity would be sufficient to satisfy the RICO continuity requirement, and the complaint appears to demonstrate both, this strengthens the argument that the continuity pleading requirement for a RICO conspiracy claim has been met.

The complaint's detailed timeline and allegations of ongoing threats and coordination, therefore, appear to meet the continuity pleading requirement as established by the Supreme Court in [H.J. Inc. v. Northwestern Bell](#), which requires a showing of either "a closed period of repeated conduct" (closed-ended continuity) or "conduct that poses a threat of continued criminal activity" (open-ended continuity).

## **Legal Authorities**

[Horace-Manasse v. Wells Fargo Bank, N.A., CASE NO. 10-81623-CV-HURLEY \(S.D. Fla. Apr 12, 2012\)](#)

**U.S. District Court — Southern District of Florida**

## **Extract**

"'Continuity' is both a closed- and open-ended concept, 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." H.J., 492 U.S. at 241. "A party... may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time." Id. (emphasis added). "Predicate acts extending over a few weeks or months... do not satisfy this requirement." Id. "The overwhelming weight of case authority suggests that nine months is not an adequately substantial period of time." Jackson, 372 F.3d at 1266.

## **Summary**

The passage explains the concept of continuity in RICO claims, distinguishing between closed-ended and open-ended continuity. It emphasizes that continuity can be demonstrated by a series of related predicates over a substantial period or by showing a threat of continued criminal activity. The passage supports the proposition by aligning with the requirement that a RICO claim must demonstrate either closed-ended or open-ended continuity, as outlined in H.J. Inc. v. Northwestern Bell. The complaint in question alleges acts spanning from December 2023 to May 2025, which is a substantial period, and includes ongoing threats, suggesting both closed- and open-ended continuity.

[Streck v. Peters, 855 F.Supp. 1156 \(D. Haw. 1994\)](#)

## **U.S. District Court — District of Hawaii**

## **Extract**

According to Northwestern Bell, 'to establish a RICO pattern it must ... be shown that the predicates themselves amount to, or that they otherwise constitute a threat of, continuing racketeering activity.' 492 U.S. at 240, 109 S.Ct. at 2901. The Northwestern Bell Court also explained that there are two alternative ways to satisfy the continuity prong: 'Continuity' is both a closed- and open-ended concept, 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.' Id. at 241, 109 S.Ct. at 2902.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (conduct that poses a threat of continued criminal activity). The passage from Streck v. Peters references the Supreme Court's decision in H.J. Inc. v. Northwestern Bell, which is a key authority on the continuity requirement for RICO claims. This supports the proposition by confirming that the complaint's allegations of



ongoing threats and coordination can meet the continuity requirement if they demonstrate either closed- or open-ended continuity.

[Boritzer v. Calloway, 10 Civ. 6264 \(JPO\) \(S.D. N.Y. Jan 24, 2013\)](#)

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

### **Extract**

Furthermore, to establish a pattern, a plaintiffs must 'make a showing that the predicate acts of racketeering activity by a defendant are 'related, and that they amount to or pose a threat of continued criminal activity.' Cofacredit, S.A. v. Windsor Plumbing Supply Co. Inc., 187 F.3d 229, 242 (2d Cir. 1999) (quoting H.J., Inc. v. NW Bell Tel. Co., 492 U.S. 229, 239 (1989)). The continuity required to make this pattern showing may be of the 'closed-ended' or 'open-ended' variety, either of which is sufficient under the statute. Id; see also Purchase, 2010 WL 1837809, at \*9 ('Continuity may be closed- or open-ended, with closed-ended referring to a pattern of criminal activity extending over a substantial period of time and open-ended referring to past criminal conduct that projects into the future with a threat of repetition.') .

### **Summary**

Requirements for establishing a pattern of racketeering activity under RICO, specifically the need to demonstrate either closed-ended or open-ended continuity. It cites the Supreme Court's decision in H.J. Inc. v. Northwestern Bell, which is a key authority on this issue. The passage explains that closed-ended continuity involves a series of related predicates over a substantial period, while open-ended continuity involves a threat of continued criminal activity. This directly supports the proposition that the complaint must allege either type of continuity to meet the RICO pleading requirements.

[Midwest Grinding Co., Inc. v. Spitz, 769 F.Supp. 1457 \(N.D. Ill. 1991\)](#)

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

### **Extract**

The Supreme Court held in H.J. Inc. that in order to satisfy the continuity requirement, a RICO plaintiff must establish that 'the predicates themselves amount to, or that they otherwise constitute a threat of, continuing racketeering activity.' H.J. Inc., 492 U.S. at 240, 109 S.Ct. at 2901 (emphasis in original)... 'Continuity,' the Court held, refers '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.' H.J. Inc., 492 U.S. at 241, 109 S.Ct. at 2902... A 'party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time;' however, 'predicate acts extending over a few

weeks or months and threatening no future criminal conduct do not satisfy this requirement.'

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (a threat of continued criminal activity). The passage from *Midwest Grinding Co., Inc. v. Spitz* reiterates the principles established in *H.J. Inc.*, which are directly relevant to the proposition. The complaint in question alleges a timeline and ongoing nature of racketeering acts that could potentially satisfy both closed- and open-ended continuity.

[Gunderson v. ADM Investor Services, Inc., No. C96-3148-MWB \(N.D. Iowa 2/13/2001\) \(N.D. Iowa 2001\)](#)

### **U.S. District Court — Northern District of Iowa**

## **Extract**

Continuity requires proof of 'related predicates extending over a substantial period of time' or 'involving a specific threat of repetition extending indefinitely into the future.' *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 242 (1989) (noting that proof that predicate acts are 'part of an ongoing entity's regular way of doing business' may suffice to meet 'continuity' requirement). ... Thus, where, as here, the Producers have alleged predicate acts during a period of just over two years, from February of 1994, through May 26, 1996, the lengthy pattern of predicate acts alone 'amounts to' continued criminal activity.

## **Summary**

Continuity requirement for a RICO claim, which can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (a threat of continued criminal activity). The passage cites *H.J. Inc. v. Northwestern Bell*, which is a key authority on this issue. The example given in the passage of a two-year period of predicate acts being sufficient to establish continuity supports the proposition that a complaint alleging acts from December 2023 through May 2025 could meet the continuity requirement.

[Borg v. Warren, 545 F.Supp.3d 291 \(E.D. Va. 2021\)](#)

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

## **Extract**

Thus, to show 'a pattern of racketeering activity,' a plaintiff must first allege 'at least two acts of racketeering activity, one of which occurred after the effective date of [the RICO statute] and the last of which occurred within ten years ... after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Additionally, the plaintiff 'must show 'continuity plus relationship,' i.e., 'that the racketeering predicates are related, and that they amount to or pose a threat of continued activity.' ... The continuity requirement — 'centrally a temporal concept' — ensures that only 'long-term criminal conduct' will fall within the ambit of this statute. ... The Supreme Court has further explained that the 'continuity' requirement 'is both a closed- and open-ended concept, 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.' ... Thus, a plaintiff bringing a civil RICO claim must either demonstrate closed-ended continuity 'by proving a series of related predicates extending over a substantial period of time' or open-ended continuity by proving that the defendant's prior acts threaten continued racketeering activity.

## **Summary**

The passage outlines the requirements for establishing a pattern of racketeering activity under RICO. It emphasizes the need for continuity, which can be demonstrated through either closed-ended or open-ended continuity. This directly supports the proposition by explaining how the complaint's timeline and allegations can meet the continuity requirement for a RICO claim.

[Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#)

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

## **Extract**

In explicating how a plaintiff could make this continuity showing, the Court described continuity as 'both a closed- and open-ended concept, 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.' ... Moreover, even if we were not to have found that conduct lasting three and one-half years was sufficient to establish closed-ended continuity, we conclude that continuity still would have been established for the purposes of summary judgment in the present case under an 'open-ended' continuity analysis. Under *H.J. Inc.*, if a RICO action is brought before a plaintiff can establish long-term criminal conduct, the 'continuity' prong may still be met if a plaintiff can prove a threat of continued racketeering activity.

## Summary

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (a threat of continued racketeering activity). The passage supports the proposition by explaining that both types of continuity are recognized and that the duration and nature of the conduct are central to establishing continuity.

[Democratic Nat'l Comm. v. Russian Fed'n, 392 F.Supp.3d 410 \(S.D. N.Y. 2019\)](#)

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

## Extract

"To establish a RICO pattern[,] it must also be shown that the predicates themselves amount to, or that they otherwise constitute a threat of, continuing racketeering activity" -- commonly called the continuity requirement. *H.J. Inc.*, 492 U.S. at 240, 109 S.Ct. 2893. " 'Continuity' is both a closed- and open-ended concept, 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." *Id.* at 241, 109 S.Ct. 2893. Predicates have closed-ended continuity if they "extend[ed] over a substantial period of time" in the past, *id.* at 242, 109 S.Ct. 2893 ; by contrast, predicates have open-ended continuity if they "by [their] nature project[ ] into the future with a threat of repetition," *Reich v. Lopez*, 858 F.3d 55, 60 (2d Cir.), cert. denied, --- U.S. ----, 138 S. Ct. 282, 199 L.Ed.2d 127 (2017).

## Summary

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates extending over a substantial period of time) or open-ended continuity (conduct that projects into the future with a threat of repetition). The passage references the *H.J. Inc. v. Northwestern Bell* case, which is a key authority on the continuity requirement for RICO claims. The passage also provides guidance on what constitutes a "substantial period of time" for closed-ended continuity, noting that the Second Circuit generally requires at least two years.

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

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

## **Extract**

Similarly flawed is another of defendants' assertions of a lack of 'continuity,' this time defendants' assertion that there is no allegation of 'continued criminal activity.' This argument was disposed of by the next reported decision after *Police Retirement Sys.*, which again relies upon the Supreme Court's decision in *H.J. Inc. In Lange v. Hocker*, 940 F.2d 359 (8th Cir.1991), the Eighth Circuit Court of Appeals held that continuity can be shown in one of two ways—closed-ended continuity or open-ended continuity. 'A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time.' *H.J. Inc.*, 492 U.S. at 242, 109 S.Ct. at 2902. Where continuity cannot be established in such a manner, a RICO violation may be shown when a 'threat of continuity is demonstrated.' *Id.* (emphasis in original).

## **Summary**

Concept of continuity in RICO claims, referencing the Supreme Court's decision in *H.J. Inc.* It explains that continuity can be demonstrated through either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (a threat of continued criminal activity). This directly supports the proposition that the complaint's timeline and allegations can meet the continuity requirement for a RICO claim.

[World Wrestling Entertainment v. Jakks Pacific, 530 F.Supp.2d 486 \(S.D. N.Y. 2007\)](#)

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

## **Extract**

The continuity necessary to prove a pattern can be either 'closed-ended continuity,' or 'open-ended continuity.' ... In determining whether continuity exists the court should not limit its consideration to the duration of the scheme, but should also look at the overall context in which the acts took place. ... A party alleging open-ended continuity must show that 'the racketeering acts themselves include a specific threat of repetition extending indefinitely into the future [or] ... are part of an ongoing entity's regular way of doing business.' *H.J. Inc.*, 492 U.S. at 242, 109 S.Ct. 2893.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended or open-ended continuity. The passage emphasizes that the court should consider not only the duration but also the overall context of the acts. It also clarifies that open-ended continuity involves a threat of repetition or being part of an ongoing business practice. This aligns with the proposition that the complaint's detailed timeline and ongoing nature of the scheme can demonstrate both types of continuity.

[GICC Capital Corp. v. Technology Finance Group, Inc., 67 F.3d 463 \(2nd Cir. 1995\)](#)

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

### **Extract**

In *H.J. Inc.*, the Supreme Court outlined the basic contours of the continuity requirement as follows: 'Continuity' is both a closed- and open-ended concept, 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.... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct. Often a RICO action will be brought before continuity can be established in this way. In such cases, liability depends on whether the threat of continuity is demonstrated.

### **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (past conduct with a threat of future repetition). The passage directly supports the proposition by explaining the continuity requirement as outlined by the Supreme Court in *H.J. Inc.*, which is the standard referenced in the proposition.

[\*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**

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. Pp. 237-239.

### **Summary**

The U.S. Supreme Court has clarified that to establish a "pattern of racketeering activity" under RICO, there must be both a relationship and continuity in the alleged racketeering acts. The continuity can be demonstrated by showing that the acts either constitute or threaten long-



term criminal activity. This directly supports the proposition that the complaint's allegations of ongoing threats and coordination over a specified period meet the continuity requirement for a RICO claim.

[Gott v. Simpson, 745 F.Supp. 765 \(D. Me. 1990\)](#)

## **U.S. District Court — District of Maine**

### **Extract**

RICO states that a 'pattern of racketeering activity requires at least two acts of racketeering activity.' 18 U.S.C. § 1961(5). To establish the requisite pattern, Plaintiffs 'must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' H.J. Inc. v. Northwestern Bell Tel. Co., \_\_\_ U.S. \_\_\_, 109 S.Ct. 2893, 2900, 106 L.Ed.2d 195 (1989) (emphasis in original). With respect to the elusive element of continuity, the Northwestern Bell Court stated: 'Continuity' is both a closed- and open-ended concept, 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.... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over...

### **Summary**

The passage from "Gott v. Simpson" references the Supreme Court's interpretation in H.J. Inc. v. Northwestern Bell, which is directly relevant to the proposition. It explains the requirement for a "pattern of racketeering activity" under RICO, emphasizing the need for related predicates that either demonstrate a closed period of repeated conduct or pose a threat of continued criminal activity. This aligns with the proposition's assertion that the complaint must demonstrate both closed- and open-ended continuity.

[Stewart v. Associates Consumer Discount Co., 1 F.Supp.2d 469 \(E.D. Pa. 1998\)](#)

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

### **Extract**

Whether the predicate acts constitute a threat of continued racketeering activity depends on the specific facts of each case. Tabas v. Tabas, 47 F.3d 1280, 1295 (3rd Cir.1995). While predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement, open-ended continuity may be satisfied where it is shown that the predicates are a regular way of conducting defendant's ongoing legitimate business or of conducting or participating in an ongoing and

legitimate RICO enterprise. H.J., Inc., 492 U.S. at 243, 109 S.Ct. at 2902; Tabas, at 1295.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended or open-ended continuity. The passage references the H.J. Inc. case, which is a leading authority on the continuity requirement, and explains that open-ended continuity can be shown if the predicate acts are a regular way of conducting business or participating in a RICO enterprise. This supports the proposition that the complaint's allegations of ongoing threats and coordination can meet the continuity requirement.

[Ubuy Holdings, Inc. v. Gladstone, 340 F.Supp.2d 1343 \(S.D. Fla. 2004\)](#)

**U.S. District Court — Southern District of Florida**

## **Extract**

In determining whether alleged unlawful action has this required continuity, the United States Supreme Court held that such continuity may be 'closed' or 'open ended.' H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 241, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). If a plaintiff relies on closed period continuity, that plaintiff must allege 'a series of related predicates extending over a substantial period of time.' Id. at 242, 109 S.Ct. 2893. If relying instead on open ended continuity, a plaintiff must allege 'either that `the racketeering acts themselves include a specific threat of repetition extending indefinitely into the future,' or that `the predicate acts or offenses are part of an ongoing entity's regular way of doing business.'

## **Summary**

Requirements for establishing continuity in a RICO claim, referencing the Supreme Court's decision in H.J. Inc. v. Northwestern Bell. It explains that continuity can be either closed-ended, requiring a substantial period of related predicates, or open-ended, requiring a threat of ongoing criminal activity. This directly supports the proposition by providing the legal framework necessary to argue that the complaint's timeline and allegations meet the continuity requirement for a RICO claim.

[Bardsley v. POWELL, TRACHTMAN, LOGAN, CARRLE, 916 F.Supp. 458 \(E.D. Pa. 1996\)](#)

**U.S. District Court — Eastern District of Pennsylvania**

## **Extract**

Confronted with the question of what constitutes a pattern of racketeering activity, the Supreme Court examined RICO and its legislative history and concluded that a 'pattern' required 'continuity plus relationship;' that is, a plaintiff must plead and prove 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 2900, 106 L.Ed.2d 195 (1989). Thus, RICO was enacted not to address sporadic activity, but instead to combat 'activities that amount to or threaten long-term criminal activity.' ... Continuity means that the alleged racketeering scheme must either be open-ended, that is threatening continuing racketeering activity, or close-ended but lasting a substantial period of time.

## **Summary**

The Supreme Court's interpretation of RICO requires a pattern of racketeering activity to demonstrate "continuity plus relationship." This means that the alleged racketeering acts must be related and either pose a threat of continued criminal activity (open-ended continuity) or have occurred over a substantial period of time (closed-ended continuity). The passage supports the proposition by affirming that the complaint's detailed timeline and allegations of ongoing threats and coordination can demonstrate both closed- and open-ended continuity, thus meeting the continuity pleading requirement for a RICO conspiracy claim.

[Qantel Corp. v. Niemuller, 771 F.Supp. 1361 \(S.D. N.Y. 1991\)](#)

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

## **Extract**

To state a claim under the RICO statute, a plaintiff must allege a 'pattern' of racketeering activity, 18 U.S.C. § 1962(c), which is defined by the statute as two or more acts of racketeering activity within a ten-year period. ... the Supreme Court further expounded upon the pattern requirement in RICO cases, holding that 'RICO's legislative history reveals Congress' intent that to prove a pattern of racketeering activity a plaintiff or prosecutor must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989) (emphasis in original). With respect to the 'continuity' element of the test for a RICO 'pattern,' the Supreme Court has held that 'continuity' is both a closed- and open-ended concept, 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.... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time.

## Summary

The Supreme Court's interpretation of the RICO statute requires demonstrating a pattern of racketeering activity, which includes showing continuity. This continuity can be either closed-ended, involving a series of related predicates over a substantial period, or open-ended, involving a threat of continued criminal activity. The passage directly supports the proposition by explaining the requirements for continuity in a RICO claim, as established in *H.J. Inc. v. Northwestern Bell*.

[Lujan v. Mansmann, 956 F.Supp. 1218 \(E.D. Pa. 1997\)](#)

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

#### **Extract**

To comply with the 'continuity' prong of the analysis, the complaint must allege 'continuity of racketeering activity, or its threat.' *Id.* (citation omitted). Continuity may be either closed-ended, referring 'to a closed period of repeated conduct,' or open-ended, meaning 'past conduct that by its nature projects into the future with a threat of repetition.' *Id.* (citation omitted). With regard to closed-ended conduct, the related predicates must extend over a substantial period of time, generally exceeding one year. *Tabas*, 47 F.3d at 1293.

#### **Summary**

Closed-ended continuity generally requires the related predicates to extend over a substantial period of time, typically exceeding one year. This aligns with the proposition's assertion that the complaint documents both the duration and ongoing nature of the scheme, thus meeting the continuity requirement for a RICO conspiracy claim.

[Sunwealth Glob. HK Ltd. v. Pinder Int'l, Inc., 20 Civ. 1436 \(ER\) \(S.D. N.Y. Mar 23, 2021\)](#)

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

#### **Extract**

To satisfy a pattern of racketeering activity, RICO requires 'at least two acts of racketeering activity committed in a 10 year period.' *Cofacredit, S.A. v. Windsor Plumbing Supply Co.*, 187 F.3d 229, 242 (2d Cir. 1999) (internal quotation marks and citation omitted). The continuity needed to prove this pattern can be either 'closed-ended' - which requires the plaintiff to 'prove 'a series of related predicates extending over a substantial period of time' - or 'open-ended' - which requires the plaintiff to show 'a threat of continuing criminal activity beyond the period during which the predicate acts were

performed.' Id. (citing H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 239, 242-43 (1989)).

## **Summary**

Requirements for establishing a pattern of racketeering activity under RICO, specifically addressing the continuity requirement. It explains that continuity can be demonstrated through either closed-ended or open-ended continuity, as established in H.J. Inc. v. Northwestern Bell. This directly supports the proposition by confirming that a complaint must allege either a closed period of repeated conduct or a threat of continued criminal activity to meet the continuity requirement for a RICO claim.

[Reich v. Lopez, 858 F.3d 55 \(2nd Cir. 2017\)](#)

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

#### **Extract**

The Supreme Court has interpreted that phrase to require both that the RICO predicates pose a threat of continuous criminal activity and that they be related to each other. H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). Since RICO only requires a combination of two or more predicate acts, 18 U.S.C. § 1961(5), Reich can mix-and-match predicate acts in an attempt to identify a pattern of racketeering activity that has both 'continuity' and 'relatedness.'

## **Summary**

The Supreme Court's interpretation in H.J. Inc. v. Northwestern Bell is crucial for understanding the continuity requirement in RICO claims. The passage confirms that a pattern of racketeering activity must demonstrate both continuity and relatedness, which aligns with the proposition's assertion that the complaint must allege either closed-ended or open-ended continuity. The passage also highlights that a combination of predicate acts can establish this pattern, supporting the proposition's claim of ongoing threats and coordination.

[Cofacredit v. Windsor Plumbing Supply, 187 F.3d 229 \(2nd Cir. 1997\)](#)

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

#### **Extract**

To establish a pattern, a plaintiff must also make a showing that the predicate acts of racketeering activity by a defendant are 'related, and that they amount to or pose a threat of continued criminal activity.' See H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 239 (1989). ... To satisfy open-

ended continuity, the plaintiff need not show that the predicates extended over a substantial period of time but must show that there was a threat of continuing criminal activity beyond the period during which the predicate acts were performed. ... Where the enterprise is engaged primarily in racketeering activity, and the predicate acts are inherently unlawful, there is a threat of continued criminal activity, and thus open-ended continuity.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended or open-ended continuity. The passage explains that open-ended continuity can be established by showing a threat of continued criminal activity, which aligns with the proposition's assertion that the complaint demonstrates ongoing threats and coordination. The reference to *H.J. Inc. v. Northwestern Bell* further supports the legal framework for continuity in RICO claims.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Bagley, Ross - 2007-03-22**

## **Extract**

The 'continuity' component is met by either closed-ended continuity, defined as 'a series of related predicates extending over a substantial period of time,' or open-ended continuity, defined as conduct that poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (a threat of ongoing criminal activity). The passage supports the proposition by explaining that the complaint's timeline and allegations of ongoing threats and coordination can demonstrate both types of continuity, thus meeting the RICO continuity requirement.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Mecone, James Morrison - 2006-03-22**



## **Extract**

The 'continuity' component is met by either closed-ended continuity, defined as 'a series of related predicates extending over a substantial period of time,' or open-ended continuity, defined as conduct that poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (a threat of future criminal activity). The passage directly supports the proposition by explaining the criteria for continuity, which aligns with the complaint's allegations of ongoing threats and coordination over a specified timeline.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

The 'continuity' prong is satisfied by proof of either closed-ended continuity or open-ended continuity. Closed-ended continuity in the RICO context may be demonstrated 'by proving a series of related predicates extending over a substantial period of time.' Open-ended continuity in the RICO context is conduct that may last only a short period of time but nonetheless poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicates over a substantial period) or open-ended continuity (conduct posing a threat of future criminal activity). The passage supports the proposition by explaining that the complaint's timeline and allegations of ongoing threats and coordination can demonstrate both types of continuity, thus meeting the RICO continuity requirement.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Argust, Corey P. - 2010-03-22**

## **Extract**

The 'continuity' prong is satisfied by proof of either closed-ended continuity or open-ended continuity. Closed-ended continuity in the RICO context may be demonstrated 'by proving a series of related predicates extending over a substantial period of time.' Open-ended continuity in the RICO context is conduct that may last only a short period of time but nonetheless, poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

Two types of continuity required under RICO: closed-ended and open-ended. Closed-ended continuity involves a series of related acts over a substantial period, while open-ended continuity involves acts that pose a threat of continuing into the future. The complaint in question alleges acts from December 2023 to May 2025, which could demonstrate closed-ended continuity due to the substantial period. Additionally, the ongoing nature of threats and attempts to finalize the divorce and eviction could demonstrate open-ended continuity, as they pose a threat of continued criminal activity. The passage supports the proposition by explaining how both types of continuity can be established, aligning with the complaint's allegations.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

The 'continuity' component is met by either closed-ended continuity, defined as 'a series of related predicates extending over a substantial period of time,' or open-ended continuity, defined as conduct that poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts. ... Either closed-ended or open-ended continuity satisfies the continuity test in these circuits.

## **Summary**

Two types of continuity required for a RICO claim: closed-ended and open-ended. Closed-ended continuity involves a series of related predicates over a substantial period, while open-ended continuity involves conduct that poses a future threat. The passage also notes that either form of continuity satisfies the continuity test in federal circuits. This directly supports the proposition that the complaint's timeline and allegations meet the continuity requirement for a RICO claim.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

The 'continuity' prong is satisfied by proof of either closed-ended continuity or open-ended continuity. Closed-ended continuity is defined as 'a series of related predicates extending over a substantial period of time.' Open-ended continuity is defined as conduct that may last only a short period of time but nonetheless, poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

Clear explanation of the continuity requirement for RICO claims, distinguishing between closed-ended and open-ended continuity. Closed-ended continuity involves a series of related acts over a substantial period, while open-ended continuity involves acts that pose a threat of continuing into the future. This aligns with the proposition's assertion that the complaint demonstrates both types of continuity through its detailed timeline and ongoing nature of the scheme.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Franklin, Amy - 2008-03-22**

## **Extract**

The 'continuity' component is met by either closed-ended continuity, defined as 'a series of related predicates extending over a substantial period of time,' or open-ended continuity, defined as conduct that poses a threat of extending into the future. The Court suggested a case-by-case examination of this issue, noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts.

## **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (a threat of ongoing criminal activity). The passage supports the proposition by explaining these two forms of continuity, which align with the complaint's allegations of ongoing threats and coordination over a specified timeline.

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

**American Criminal Law Review - Georgetown University Law Center -  
Bourgeois, Richard L., Jr. - 2000-03-22**

### **Extract**

The 'continuity' prong is successfully proven if a prosecutor can prove 'a series of related predicates extending over a substantial period of time' or an open-ended threat of continued racketeering activity in the future. The H.J., Inc. court suggested a case-by-case examination of this issue. Noting that the existence of a 'threat of continued racketeering activity' is a function of particular facts, the Court avoided a black-letter enumeration of particular factors which may constitute a pattern.

### **Summary**

The passage explains the continuity requirement for a RICO claim, which can be satisfied by demonstrating either a closed-ended period of repeated conduct or an open-ended threat of continued criminal activity. This aligns with the proposition that the complaint's timeline and allegations demonstrate both closed- and open-ended continuity. The passage also references the H.J., Inc. case, which is directly relevant to the proposition.

## [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**

To satisfy the RICO continuity element . . . a plaintiff must provide evidence of multiple predicate acts occurring over a substantial period of time (closed-end continuity) or evidence that the alleged predicate acts threaten to extend into the future (open-ended continuity)."; "The plaintiff may prove continuity by showing a series of past related predicates occurring over an extended period of time. . . . A second means of establishing continuity is to show that the predicates, by their nature, 'involve a distinct threat of long-term racketeering activity.' . . . A third way to prove continuity in this case is to allege 'predicates [that] are a regular way of conducting defendant's ongoing legitimate business . . . or of conducting or participating in an ongoing and legitimate 'RICO enterprise.'

### **Summary**

The passages provide a clear explanation of the continuity requirement for RICO claims, emphasizing the need for either closed-ended continuity (a series of related predicates over an extended period) or open-ended

continuity (a threat of long-term racketeering activity). The complaint in question alleges a timeline and ongoing nature of racketeering acts, which aligns with the requirements outlined in the passages. The references to case law and legal standards further support the proposition that the complaint meets the continuity requirement for a RICO conspiracy claim.

## [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

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

### **Extract**

Second, “continuity” may be satisfied by either a series of related predicate acts extending over a significant period of time (closed-ended conspiracy), or a short-lived series of acts that also establish a threat of long-term activity (open-ended conspiracy). A plaintiff may prove this “threat” of continued racketeering activity by showing that the predicate acts are part of the RICO defendant’s “regular way of doing business” or that they are “a regular means of conducting or participating in an ongoing RICO enterprise.” The Court called for case-by-case examination of this issue. Although “continuity” and “relationship” are two distinct concepts, the Court has recognized that evidence of these two prongs will often overlap.

### **Summary**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity (a series of related predicate acts over a significant period) or open-ended continuity (acts that pose a threat of long-term activity). The passage also highlights that the continuity and relationship prongs often overlap, which is relevant to the proposition that the complaint documents both the duration and ongoing nature of the scheme.

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

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

### **Extract**

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

Direct reference to the Supreme Court's interpretation of the continuity requirement under RICO, which is central to the proposition. It explains that continuity can be established through either a closed period of repeated conduct or conduct that poses a threat of future repetition. This aligns with the proposition's assertion that the complaint demonstrates both closed- and open-ended continuity.

[RICO: A Primer](#)

## Extract

The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' 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

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended or open-ended continuity. Closed-ended continuity involves a series of related predicate acts over a substantial period, while open-ended continuity involves a threat of ongoing criminal activity. The passage directly supports the proposition by explaining how the complaint's timeline and allegations can meet these continuity requirements.

[RICO: A Primer](#)

## Extract

The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' 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**

The continuity requirement for a RICO claim can be satisfied by demonstrating either closed-ended continuity, which involves a series of related predicate acts over a substantial period, or open-ended continuity, which involves a threat of continuing criminal activity. The passage directly supports the proposition by explaining the criteria for establishing continuity in a RICO claim, which aligns with the complaint's allegations of ongoing threats and coordination over a specified timeline.

This memo was compiled by Vincent AI based on vLex materials available as of June 17, 2025. [View full answer on vLex](#)