

Question

The wife and stepfather engaged in multiple acts, including defrauding the husband of his home, emptying the joint bank account via PayPal, and transferring funds to conceal financial information. The wife crossed state lines to prepare divorce paperwork containing knowingly false statements designed to remove the husband from his home. Under 18 U.S.C. § 1962(c), a civil RICO claim requires a "pattern of racketeering activity," which consists of at least two predicate acts of racketeering within a 10-year period. Predicate acts under RICO include crimes such as wire fraud (18 U.S.C. § 1343), mail fraud (18 U.S.C. § 1341), and interstate transportation of stolen property (18 U.S.C. § 2314). If the wife's use of PayPal to empty the joint bank account and transfer funds involved wire communications in furtherance of a fraudulent scheme, this could constitute wire fraud, a predicate act under RICO. If the wife crossed state lines with the intent to further the fraudulent scheme (e.g., by preparing false divorce paperwork), this could constitute interstate transportation of stolen property or another predicate act under RICO. The described conduct involves multiple predicate acts that could form a "pattern of racketeering activity" under RICO.

Answer (U.S. Federal)

Short response

The described conduct involving wire fraud through the use of PayPal and interstate transportation for fraudulent purposes could satisfy the predicate acts requirement needed to establish a pattern of racketeering activity under civil RICO. If these acts were related and demonstrated continuity, they would likely provide the basis for a civil RICO claim under [18 U.S.C. § 1962\(c\)](#).

Summary

The alleged actions of the wife and stepfather—defrauding the husband of his home, emptying a joint bank account via PayPal, transferring funds to conceal financial information, and crossing state lines to prepare fraudulent divorce paperwork—could potentially establish the predicate acts necessary for a civil RICO claim. Under [18 U.S.C. § 1962\(c\)](#), a civil RICO claim requires a "pattern of racketeering activity," which consists of at least two predicate acts of racketeering within a 10-year period. The wife's use of PayPal to empty the joint bank account likely constitutes wire fraud under [18 U.S.C. § 1343](#), while her crossing of state lines to prepare fraudulent divorce paperwork could constitute interstate transportation of stolen property under [18 U.S.C. § 2314](#), both of which are predicate acts under [18 U.S.C. § 1961](#).

To successfully establish a civil RICO claim, the husband would need to demonstrate that these predicate acts are related and show continuity or a threat of continued criminal activity. The courts have consistently held that RICO requires more than just two isolated acts; rather, they must form a pattern that demonstrates a relationship between the acts and either continued criminal activity or the threat thereof. If the husband can establish these elements, he may have grounds for a civil RICO claim, which would entitle him to treble damages, costs, and attorney's fees under [18 U.S.C. § 1964\(c\)](#).

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. Under [18 U.S.C. § 1962\(c\)](#), it is unlawful for any person "through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962](#) (2025) ("It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.")

Section 1961 defines "racketeering activity" to include specific enumerated offenses, including wire fraud under [18 U.S.C. § 1343](#) and interstate transportation of stolen property under [18 U.S.C. § 2314](#). [18 U.S.C. § 1961](#) (2025) ("As used in this chapter- 'racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code:... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),... sections 2314 and 2315 (relating to interstate transportation of stolen property)...")

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) ("'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.")

Wire fraud, one of the potential predicate acts in this case, is defined under [18 U.S.C. § 1343](#) as follows: [18 U.S.C. § 1343](#) (2025) ("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."

Interstate transportation of stolen property, another potential predicate act, is defined under [18 U.S.C. § 2314](#): [18 U.S.C. § 2314](#) (2025) ("Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or 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, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more;")

The civil remedies available under RICO are outlined in [18 U.S.C. § 1964](#), which provides: [18 U.S.C. § 1964](#) (2025) ("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...")

Judicial Interpretation of RICO Requirements

Elements of a Civil RICO Claim

Courts have consistently identified four elements required to establish a violation of [18 U.S.C. § 1962](#)(c): "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 \(1985\)](#), as cited in [Fedorova v. Foley](#) (W.D. Mich. 2023) ("Under [18 U.S.C. § 1962](#)(c), it is '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.' Put differently, a violation of this statute requires: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'")

This four-part test has been consistently applied across various circuits. For example, the Sixth Circuit reiterated these elements in [Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783, 791 \(6th Cir. 2012\)](#) ("To state a RICO claim, a plaintiff must plead the following elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'")

Similarly, the Third Circuit has adopted this framework, as noted in [Hlista v. Safeguard Props., LLC, No. 15-1812 \(3rd Cir. May 05, 2016\)](#) ("A plaintiff bringing a substantive RICO claim under § 1962(c) must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'")

Pattern of Racketeering Activity

While [18 U.S.C. § 1961](#)(5) defines a "pattern of racketeering activity" as requiring at least two acts of racketeering activity within a ten-year period, courts have interpreted this requirement more rigorously. In [H.J. Inc. v. Northwestern Bell Tel. Co.](#), [492 U.S. 229, 237-39 \(1989\)](#), the Supreme Court held that "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."

This interpretation has been consistently followed by lower courts. For instance, in [Heinrich v. Waiting Angels Adoption Servs., Inc.](#), [668 F.3d 393, 404 \(6th Cir. 2012\)](#), the court explained: "While the statute defines the minimum number of acts necessary to establish a pattern of racketeering activity, the Supreme Court has held that the minimum two acts are not necessarily sufficient. In order to show a 'pattern' of racketeering activity, a plaintiff must show 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'"

The Sixth Circuit further clarified in [Grubbs v. Sheakley Grp., Inc.](#), [807 F.3d 785 \(6th Cir. 2015\)](#) that "'Racketeering activity' encompasses many criminal acts, including those indictable for mail or wire fraud. See [18 U.S.C. § 1961](#)(1). Finally, the statute requires at least two acts of racketeering activity within ten years to qualify as a 'pattern of racketeering activity.' [18 U.S.C. § 1961](#)(5)."

Predicate Acts: Wire Fraud and Interstate Transportation

Wire fraud is one of the most common predicate acts for RICO claims. According to RICO: A Primer (2022), "Mail and wire fraud are the most common predicate acts." The elements of wire fraud under [18 U.S.C. § 1343](#) require: (1) a scheme to defraud, (2) intent to defraud, (3) use of wire communications in interstate commerce, and (4) use of these communications in furtherance of the scheme.

As explained in [Wisdom v. First Midwest Bank of Poplar Bluff](#), [167 F.3d 402 \(8th Cir. 1999\)](#), wire fraud as a RICO predicate act requires "a showing of: (1) a plan or scheme to defraud, (2) intent to defraud, (3) reasonable foreseeability that the mail or wires will be used, and (4) actual use of the mail or wires to further the scheme."

Interstate transportation of stolen property under [18 U.S.C. § 2314](#) is also recognized as a predicate act under RICO. This is evident in [U.S. v. Hewes](#), [729 F.2d 1302 \(11th Cir. 1984\)](#), which discussed charges including "RICO conspiracy, 18 U.S.C.A. Sec. 1962(d), violation of the RICO statute's substantive provisions, 18 U.S.C.A. Sec. 1962(c), numerous counts of mail and wire fraud, 18 U.S.C.A. Secs. 1341 and 1343, and interstate transportation of stolen property, 18 U.S.C.A. Sec. 2314."

Civil RICO Remedies

RICO provides significant civil remedies for those harmed by racketeering activity. As noted in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#), "The upshot is that RICO provides a private right of action for treble damages to any person injured in his business or property by reason of the conduct of a qualifying enterprise's affairs through a pattern of acts indictable as mail fraud."

Similarly, [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#) explained, "The RICO statute provides for civil damages for 'any person injured in his business or property by reason of a violation of [18 U.S.C. Sec. 1962].'¹⁸ U.S.C. Sec. 1964(c)." It should be noted that Tabas was declined to extend by Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 (3rd Cir. Nov 15, 2017), though this subsequent treatment did not affect the court's basic description of RICO's civil remedy provisions.

Analysis

Application of RICO to the Described Conduct

Based on the statutes and case law reviewed, the alleged actions of the wife and stepfather could potentially support a civil RICO claim under [18 U.S.C. § 1962\(c\)](#). To establish such a claim, the husband would need to demonstrate: (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity.

Potential Predicate Acts

The first step in establishing a RICO claim is identifying at least two predicate acts of racketeering activity as defined by [18 U.S.C. § 1961\(1\)](#).

1. Wire Fraud ([18 U.S.C. § 1343](#)):

The wife's use of PayPal to empty the joint bank account and transfer funds to conceal financial information likely constitutes wire fraud. PayPal transactions necessarily involve electronic transmissions in interstate commerce. To prove wire fraud as a predicate act, the husband would need to show:

- (a) A scheme to defraud or to obtain money by false pretenses,
- (b) Intent to defraud,
- (c) Use of interstate wire communications, and
- (d) Use of wire communications in furtherance of the scheme.

As explained in [Wisdom v. First Midwest Bank of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#), wire fraud requires "a showing of: (1) a plan or scheme to defraud, (2) intent to defraud, (3) reasonable foreseeability that the mail or wires will be used, and (4) actual use of the mail or wires to further the scheme."

The alleged conduct—emptying a joint bank account via PayPal to conceal funds—suggests a scheme to defraud the husband of his rightful property. The use of PayPal inherently involves interstate wire communications, satisfying the jurisdictional element of the statute.

2. Interstate Transportation of Stolen Property ([18 U.S.C. § 2314](#)):

The wife's crossing of state lines to prepare fraudulent divorce paperwork could constitute interstate transportation of stolen property, particularly if the value of the property at issue exceeds \$5,000, as required by the statute. [18 U.S.C. § 2314](#) (2025) covers not only the physical transportation of stolen goods but also "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, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more."

Given that the alleged scheme involved defrauding the husband of his home, it is reasonable to assume the value threshold of \$5,000 is met. The wife's interstate travel to prepare fraudulent divorce documents intended to remove the husband from his home demonstrates both the interstate element and the connection to the fraudulent scheme.

Pattern Requirement

Having established potential predicate acts, the next step is to determine whether these acts constitute a "pattern of racketeering activity" as required by RICO. This requires showing that the predicate acts are both related and demonstrate continuity.

1. Relationship Between Acts:

The Supreme Court in [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 237-39 \(1989\)](#) established that predicate acts must be related to form a pattern. Here, the various acts (emptying the joint bank account via PayPal, transferring funds to conceal financial information, and crossing state lines to prepare fraudulent divorce paperwork) appear to be part of a coordinated scheme to defraud the husband of his property. This unified purpose suggests a relationship between the acts sufficient to satisfy this requirement.

As explained in [Morrow v. Black, 742 F.Supp. 1199 \(E.D. N.Y. 1990\)](#), when "defendants engaged in one scheme after another" or "created new schemes to prevent the previous schemes from being discovered," this can establish the relatedness of the predicate acts.

2. Continuity:

Continuity refers to either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (past conduct that threatens future criminal conduct). In [Banks v. Wolk, 918 F.2d 418 \(3rd Cir. 1990\)](#), the court noted that a plaintiff must show that the

racketeering acts "amount to or pose a threat of continued criminal activity."

The described conduct spans multiple acts over a period:

- Defrauding the husband of his home
- Emptying the joint bank account via PayPal
- Transferring funds to conceal financial information
- Crossing state lines to prepare fraudulent divorce paperwork

The systematic nature of these acts, presumably occurring over some time, could establish closed-ended continuity. Alternatively, if these acts represent an ongoing pattern of behavior, they might demonstrate open-ended continuity by showing a threat of continued criminal activity.

Enterprise Requirement

RICO requires that the pattern of racketeering activity be conducted through an "enterprise." In this case, the enterprise could be found in the coordinated activities of the wife and stepfather. As noted in [Grubbs v. Sheakley Grp., Inc., 807 F.3d 785 \(6th Cir. 2015\)](#), "Both individuals and corporate entities may be held liable under RICO; a person 'includes any individual or entity capable of holding a legal or beneficial interest in property.' [18 U.S.C. § 1961\(3\)](#)."

The joint actions of the wife and stepfather in executing the alleged fraudulent scheme could be sufficient to establish an "association-in-fact" enterprise under RICO.

Interstate Commerce Requirement

For RICO to apply, the enterprise must engage in or affect interstate commerce. Here, the use of PayPal (an interstate wire communication system) and the crossing of state lines clearly satisfies this jurisdictional requirement.

Civil Remedies Available

If the husband can successfully establish a civil RICO claim, he would be entitled to significant remedies under [18 U.S.C. § 1964\(c\)](#). As stated in [18 U.S.C. § 1964](#) (2025), "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..."

This means the husband could potentially recover:

1. Triple the actual damages suffered
2. The costs of bringing the suit
3. Attorney's fees

The Supreme Court has confirmed the availability of these remedies for RICO violations involving fraud. In [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#), the Court explained that "RICO provides a private right of action for treble damages to any person injured in his business or property by reason of the conduct of a qualifying enterprise's affairs through a pattern of acts indictable as mail fraud."

Exceptions and Caveats

Pleading Requirements

While the facts as described could support a civil RICO claim, it's important to note that courts apply stringent pleading requirements to RICO cases, particularly when fraud is alleged. As noted in [Fedorova v. Foley](#) (W.D. Mich. 2023), "Courts have repeatedly held in RICO cases alleging mail fraud and wire fraud as the predicate acts, the underlying fraudulent activities must be pled with particularity" in accordance with Federal Rule of Civil Procedure 9(b)."

This means the husband would need to provide specific details about the fraudulent scheme, including:

- The time, place, and content of the false representations
- The identity of the person making the misrepresentation
- What was obtained as a result

Value Threshold for Interstate Transportation

Under [18 U.S.C. § 2314](#), interstate transportation of stolen property requires that the property have a value of \$5,000 or more. If the value of the property involved in the wife's interstate travel is less than \$5,000, this particular predicate act might not be established. However, given that the scheme allegedly involved the husband's home, this threshold is likely met.

Proving Intent

To establish wire fraud as a predicate act, the husband would need to prove that the wife acted with intent to defraud. [Wisdom v. First Midwest Bank of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#) emphasizes that wire fraud requires "intent to defraud." While the described actions certainly suggest fraudulent intent, this element must be proven with specific evidence.

Domestic Relations Exception

Although not directly addressed in the provided materials, some courts have been reluctant to allow RICO claims in what are essentially domestic disputes. However, the systematic nature of the alleged fraud, involving multiple predicate acts and substantial property, could distinguish this case from typical domestic disputes.

Conclusion

Based on the statutes and case law examined, the described conduct could potentially establish a civil RICO claim under [18 U.S.C. § 1962\(c\)](#). The wife's use of PayPal to empty the joint bank account likely constitutes wire fraud under [18 U.S.C. § 1343](#), while her crossing of state lines to prepare fraudulent divorce paperwork could constitute interstate transportation of stolen property under [18 U.S.C. § 2314](#), both of which are predicate acts under RICO.

To successfully establish a RICO violation, the husband would need to demonstrate that these predicate acts form a pattern of racketeering activity by showing they are related and demonstrate continuity. The coordinated nature of the alleged scheme, involving multiple acts aimed at defrauding the husband of his property, suggests both relatedness and continuity could be established.

If successful, a civil RICO claim would entitle the husband to significant remedies, including treble damages, costs, and attorney's fees under [18 U.S.C. § 1964\(c\)](#). However, the husband would need to overcome the stringent pleading requirements for RICO cases involving fraud, particularly the need to plead the fraudulent activities with particularity as required by Federal Rule of Civil Procedure 9(b).

In conclusion, while establishing a civil RICO claim involves several technical legal requirements, the described conduct involving wire fraud through the use of PayPal and interstate transportation for fraudulent purposes appears to satisfy the predicate acts requirement needed to establish a pattern of racketeering activity under RICO. The systematic nature of these acts, aimed at defrauding the husband of significant property, aligns with the type of conduct RICO was designed to address.

Legal Authorities

[Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

Section 1962(c) of the RICO Act makes it 'unlawful for any person employed by or associated with any enterprise engaged in ... interstate ... commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' ... The pattern element 'requires at least two acts of racketeering activity.' 18 U.S.C. § 1961(5); see also *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 237-38, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). ... When pled as RICO predicate acts, mail and wire fraud require a showing of: (1) a plan or scheme to defraud, (2) intent to defraud, (3) reasonable foreseeability that the mail or wires will be used, and (4) actual use of the mail or wires to further the scheme.

Summary

Elements necessary to establish mail and wire fraud as predicate acts, which are relevant to the proposition. The proposition involves allegations of wire fraud through the use of PayPal and potentially other predicate acts, which align with the requirements discussed in the passage.

[U.S. v. Indelicato, 865 F.2d 1370 \(2nd Cir. 1989\)](#)

U.S. Court of Appeals — Second Circuit

Extract

RICO Sec. 1962(c) makes it unlawful, in pertinent part, 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. Sec. 1962(c). Section 1962(d) makes it unlawful to conspire to violate Secs. 1962(a), (b), or (c). The terms 'enterprise,' 'racketeering activity,' and 'pattern of racketeering activity' are defined in 18 U.S.C. Sec. 1961, in pertinent part, as follows: (1) 'racketeering activity' means (A) any act or threat involving [inter alia] murder, kidnaping, gambling, arson, robbery, bribery, extortion, ... which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... sections 2314 and 2315 (relating to interstate transportation of stolen property), ... (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds...

Summary

The RICO statute requires a "pattern of racketeering activity," which can be established by at least two predicate acts such as wire fraud and interstate transportation of stolen property. The passage confirms that these acts are considered racketeering activities under RICO, supporting the proposition that the wife's actions could constitute a RICO violation if they involved such predicate acts.

[U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

The indictment charged the named defendants with conspiring to participate in the affairs of an enterprise through a pattern of racketeering activity ('RICO conspiracy'), 18 U.S.C.A. Sec. 1962(d), violation of the RICO statute's substantive provisions, 18 U.S.C.A. Sec. 1962(c), numerous counts of mail and wire fraud, 18 U.S.C.A. Secs. 1341 and 1343, and interstate transportation of stolen property, 18 U.S.C.A. Sec. 2314.

Summary

The passage from U.S. v. Hewes discusses a case where defendants were charged with RICO violations, including mail and wire fraud and interstate transportation of stolen property. These are the same types of predicate acts that are relevant to the proposition. The case illustrates how multiple predicate acts can form a pattern of racketeering activity under RICO, which is directly applicable to the proposition involving the wife's alleged fraudulent activities.

[U.S. v. Palumbo Bros., Inc., 145 F.3d 850 \(7th Cir. 1998\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

Separate violations of other federal and state criminal statutes are the predicate acts upon which a pattern of racketeering activity is created. Those predicate acts involve conduct that is otherwise 'chargeable' or 'indictable' and violations that are 'punishable' pursuant to independent criminal statutes, and RICO specifically identifies mail fraud as a predicate act for liability. 18 U.S.C. § 1961(1). A RICO offense involves the relationship of those predicate acts in a pattern of criminal activity. Therefore, to establish a criminal violation of RICO, the government must first establish a defendant's predicate acts.

Summary

A RICO claim requires establishing a pattern of racketeering activity, which consists of at least two predicate acts that are chargeable or indictable under independent criminal statutes. The passage specifically mentions mail fraud as a predicate act for RICO liability. This supports the proposition that the wife's actions, if they involved wire fraud or other predicate acts, could form a pattern of racketeering activity under RICO.

[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.' ... The single most significant reason for the expansive use of civil RICO has been the presence in the statute, as predicate acts, of mail and wire fraud violations. See 18 U.S.C. § 1961(1) (1982 ed., Supp. III). ... Section 1961 defines 'racketeering activity' to mean any of numerous acts 'chargeable' or 'indictable' under enumerated state and federal laws, including state-law murder, arson, and bribery statutes, federal mail and wire fraud statutes, and the antifraud provisions of federal securities laws. It states that 'a pattern' of racketeering activity requires proof of at least two acts of racketeering within 10 years.

Summary

The RICO statute allows for civil action when a person is injured in their business or property due to a violation of section 1962, which includes conducting an enterprise through a pattern of racketeering activity. The passage highlights that mail and wire fraud are significant predicate acts under RICO, which aligns with the proposition that the wife's actions involving wire communications (e.g., using PayPal) could constitute wire fraud. Additionally, the requirement of at least two acts of racketeering within 10 years supports the proposition that the wife's multiple fraudulent acts could form a pattern of racketeering activity.

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

U.S. Court of Appeals — Third Circuit

Extract

The RICO statute provides for civil damages for 'any person injured in his business or property by reason of a violation of [18 U.S.C. Sec. 1962].'¹⁸ U.S.C. Sec. 1964(c). A common thread running throughout Sec. 1962 is that an injured party must demonstrate that the defendant was engaged in a 'pattern of racketeering activity.' Section 1962(c) prohibits any person employed by or associated with an enterprise engaged in interstate commerce from conducting or participating in the affairs of the enterprise through 'a pattern of racketeering activity.' ... Central to the dispute in this case is the question whether defendants participated in 'a pattern of racketeering activity.' The RICO statute defines a 'pattern' of racketeering activity as requiring 'at least two acts of racketeering activity' within a ten year period. 18 U.S.C. Sec. 1961(5).

Summary

The statute does not require a separate "racketeering injury" beyond the harm from the predicate acts. This supports the proposition by confirming that the described conduct, if it involves predicate acts like wire fraud or interstate transportation of stolen property, could form a pattern of racketeering activity under RICO.

[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). ... Section 1964(c) states that anyone 'injured' 'by reason of' a violation of section 1962 is entitled to treble damages. Section 1962 'violations' include conducting 'enterprises' 'through a pattern of racketeering'; a 'pattern of racketeering' is defined by section 1961(5) as two or more 'acts of racketeering' occurring within a given time. 'Acts of racketeering' are defined by section 1961(1), *inter alia*, as any of a number of acts 'chargeable under State law,' acts 'indictable' under a variety of federal laws, or an 'offense' under the federal securities law.

Summary

The case discusses the requirements for a civil RICO claim, specifically the need for a "pattern of racketeering activity," which includes at least two predicate acts such as wire fraud and mail fraud. This directly relates to the proposition, as the wife's actions could be considered predicate acts under RICO if they involved wire fraud and interstate transportation of stolen property.

[Bridge v. Phoenix Bond & Indem. Co., 128 S.Ct. 2131, 170 L.Ed.2d 1012, 553 U.S. 639, 8 Cal. Daily Op. Serv. 6929, 21 Fla. L. Weekly Fed. S 295, 76 USLW 4381, 2008 Daily Journal D.A.R. 8339 \(2008\)](#)

U.S. Supreme Court

Extract

Held: A plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations. ... Using the mail to execute or attempt to execute a

scheme to defraud is indictable as mail fraud, and hence a predicate racketeering act under RICO, even if no one relied on any misrepresentation... The upshot is that RICO provides a private right of action for treble damages to any person injured in his business or property by reason of the conduct of a qualifying enterprise's affairs through a pattern of acts indictable as mail fraud.

Summary

The use of mail or wire communications to further a fraudulent scheme can be considered racketeering activity, which aligns with the proposition's assertion of potential RICO violations.

[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. ... 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

To establish a RICO claim, there must be a demonstration of both the relationship and continuity of the predicate acts, which are related and either constitute or threaten long-term criminal activity. The passage also clarifies that RICO applies to any person involved in a pattern of racketeering activity, not limited to organized crime. This supports the proposition that the wife's actions, if they involve multiple predicate acts like wire fraud and interstate transportation of stolen property, could form a pattern of racketeering activity under RICO.

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

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

Extract

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.' ... The court concludes that allegations of predicate acts here, stretching from October of 1990 to November of 1991, and involving numerous related acts of extortion, as well as what the court will recognize as many acts of witness tampering and wire fraud, pleaded with the specificity missing from the allegations of mail fraud, meet these 'pattern' requirements, at least to the extent necessary to defeat a motion to dismiss for failure to state a claim pursuant to Fed. R.Civ.P. 12(b)(6).

Summary

Elements required to establish a RICO violation under 18 U.S.C. § 1962(c), specifically the need for a "pattern of racketeering activity" involving at least two predicate acts. The court in Reynolds v. Condon recognized wire fraud as a predicate act that could contribute to a pattern of racketeering activity. This supports the proposition that the wife's actions, if involving wire fraud and other predicate acts, could form a pattern of racketeering activity under RICO.

[Fedorova v. Foley](#)

U.S. District Court — Western District of Michigan

Extract

As the Magistrate Judge and this Court have previously explained, Under 18 U.S.C. § 1962(c), it is '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.' Put differently, a violation of this statute requires: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Sedima, S.P.R.I. v. Imrex Co., 473 U.S. 479, 496 (1985). Plaintiff must allege each of these elements to state a claim. Heinrich v. Waiting Angels Adoption Servs., Inc., 668 F.3d 393, 404 (6th Cir. 2012). 'Courts have repeatedly held in RICO cases alleging mail fraud and wire fraud as the predicate acts, the underlying fraudulent activities must be pled with particularity' in accordance with Federal Rule of Civil Procedure 9(b). Paycom Billing Servs., Inc. v. Payment Res. Int'l, 212 F.Supp.2d 732, 736 (W.D. Mich. 2002) (quoting Eby v. Producers Co-op, Inc., 959 F.Supp. 428, 431 (W.D. Mich. 1997) (citing Kenty v. Bank One, Columbus, N.A., 92 F. 3d 384, 389 (6th Cir. 1996)).

Summary

The passage outlines the requirements for a RICO claim under 18 U.S.C. § 1962(c), emphasizing the need for a "pattern of racketeering activity" and the necessity to plead fraudulent activities with particularity when alleging mail and wire fraud as predicate acts. This directly supports the proposition by confirming that the described conduct, if involving wire fraud and interstate transportation of stolen property, could form a pattern of racketeering activity under RICO.

[Hlista v. Safeguard Props., LLC, No. 15-1812 \(3rd Cir. May 05, 2016\)](#)

U.S. Court of Appeals — Third Circuit

Extract

A plaintiff bringing a substantive RICO claim under § 1962(c) must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' In re Ins. Brokerage Antitrust Litig., 618 F.3d 300, 362 (3d Cir. 2010) (internal quotation marks omitted). A pattern of racketeering activity 'requires at least two acts of racketeering activity within a ten-year period.' Id. (quoting 18 U.S.C. § 1961(5)); see Banks v. Wolk, 918 F.2d 418, 421 (3d Cir. 1990) ('[N]o defendant can be liable under RICO unless he participated in two or more predicate offenses sufficient to constitute a pattern.'). These are known as 'predicate acts' and 'may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.' Lum v. Bank of Am., 361 F.3d 217, 223 (3d Cir. 2004), abrogated in part on other grounds by Twombly, 550 U.S. at 557; 18 U.S.C. § 1961(1) (defining 'racketeering activity').

Summary

To establish a RICO claim under § 1962(c), a plaintiff must demonstrate a pattern of racketeering activity, which includes at least two predicate acts within a ten-year period. The passage specifically mentions that predicate acts can include federal wire fraud under 18 U.S.C. § 1343, which is relevant to the proposition as it involves the wife's use of PayPal to empty the joint bank account. The passage supports the proposition by confirming that such acts could be considered predicate acts under RICO.

[Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#)

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

Extract

To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the

substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... To establish such a pattern of racketeering activity, 'a plaintiff must plead at least two predicate acts, show that the acts are related and that they amount to, or pose a threat of, continuing 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). RICO is aimed at 'racketeering activity,' which the statute defines, in relevant part, as certain acts indictable under Federal law, including mail and wire fraud, and violations of the Hobbs Act. 18 U.S.C. § 1961(1)(B).

Summary

To establish a RICO claim, a plaintiff must allege the commission of at least two predicate acts that form a pattern of racketeering activity. The passage specifically mentions that wire fraud and mail fraud are considered predicate acts under RICO. This supports the proposition that the wife's actions, if they involved wire communications in furtherance of a fraudulent scheme, could constitute wire fraud, a predicate act under RICO. Additionally, the passage emphasizes the need for these acts to be related and pose a threat of continuing criminal activity, which aligns with the described conduct in the proposition.

[Corporacion Insular de Seguros v. Reyes Munoz, 849 F.Supp. 126 \(D. P.R. 1994\)](#)

U.S. District Court — District of Puerto Rico

Extract

The issuing and processing of the checks constitute a violation of the civil RICO statute. In order to prove a violation of civil RICO, plaintiff must prove: (1) that there existed an enterprise, which affected interstate commerce; (2) that codefendants were employed by or associated with the enterprise; (3) that codefendants participated in the conduct of the enterprise's affairs; and (4) that codefendants' participation was through a pattern of racketeering activity. ... Codefendants' participation in the enterprise constituted a pattern of racketeering. The 'pattern of racketeering activity' consists of a requisite number of criminal acts performed by the persons composing the enterprise. ... A pattern requires at least two criminal activities within ten years. 18 U.S.C. § 1961(5) (1984). In addition, the racketeering predicates must be related and amount to or pose a continued threat of criminal activity. ... Mail fraud constitutes 'racketeering activity.' 18 U.S.C. §§ 1341 and 1961(1)(B) (1984).

Summary

The passage outlines the elements required to establish a civil RICO violation, including the existence of an enterprise affecting interstate commerce, participation in the enterprise's affairs, and a pattern of racketeering activity. The passage also clarifies that a pattern of racketeering activity requires at least two predicate acts within ten years, which can include mail fraud. This supports the proposition by providing a legal framework for establishing a civil RICO claim based on multiple predicate acts, such as wire fraud and interstate transportation of stolen property, as described in the proposition.

[Morrow v. Black, 742 F.Supp. 1199 \(E.D. N.Y. 1990\)](#)

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

Extract

The Court began by explaining that the RICO statute did not define 'a pattern of racketeering activity' but only provided that it required at a minimum, at least two acts of racketeering. Therefore, the Court turned to the legislative history for guidance. From the legislative history, the Court determined that a 'pattern of racketeering activity' required both 'relatedness' between the predicate acts and 'continuity or threat of continuity' of the acts. *Id.* at 2900. ... In the case at bar, plaintiffs have alleged predicate acts which while in actuality only lasted at most a few months, threatened future criminal activity. Here, according to the complaint, defendants engaged in one scheme after another. In fact, according to the complaint, defendants created new schemes to prevent the previous schemes from being discovered. While plaintiffs may not be able to prove these allegations, on a motion to dismiss this Court must accept the allegations as true. In this Court's opinion, if these allegations were proven, the 'continuity' of defendants acts would be adequately established.

Summary

The court in "Morrow v. Black" discusses the requirements for establishing a "pattern of racketeering activity" under RICO. The court emphasizes that a pattern requires at least two predicate acts that are related and demonstrate continuity or a threat of continuity. The court also notes that even if the acts only lasted a few months, they could still satisfy the continuity requirement if they threatened future criminal activity. This interpretation supports the proposition that the wife's actions, if proven to involve multiple related predicate acts with continuity, could form a pattern of racketeering activity under RICO.

[Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#)

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

Extract

The present suit was filed October 29, 1982, seeking treble damages under the civil RICO provisions. As predicate RICO acts the complaint alleges violations of the federal mail and wire fraud statutes, 18 U.S.C. §§ 1341, 1343 (1976)... A 'pattern of racketeering activity' consists of the commission of two or more such acts within ten years of each other... To state a cause of action under civil RICO a complaint must allege that the pattern of racketeering activity was carried on in connection with the affairs of an 'enterprise,' which is defined 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.' 18 U.S.C. § 1961(4) (1976).

Summary

The case discusses the requirements for a civil RICO claim, including the need for a "pattern of racketeering activity" involving at least two predicate acts within ten years. The passage also highlights that wire fraud is a recognized predicate act under RICO. This is relevant to the proposition, as it supports the idea that the wife's actions, if involving wire fraud and other predicate acts, could form a pattern of racketeering activity under RICO.

[Uselmann v. Pop, 495 F.Supp.3d 528 \(E.D. Mich. 2020\)](#)

U.S. District Court — Eastern District of Michigan

Extract

Claims for civil violations of RICO are governed by 18 U.S.C. § 1962. The statute provides that: 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). To state a RICO cause of action, a plaintiff must establish four elements: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. *Ouwinga v. Benistar 419 Plan Servs., Inc.*, 694 F.3d 783, 791 (6th Cir. 2012) (quoting *Moon v. Harrison Piping Supply*, 465 F.3d 719, 723 (6th Cir. 2006)). Generally, RICO pleadings are to be liberally construed.

Summary

Elements required for a RICO claim and emphasizes that RICO pleadings are to be liberally construed. This supports the proposition by providing a legal framework for how the wife's actions could be considered a pattern of racketeering activity if they involve predicate acts such as wire fraud or interstate transportation of stolen property.

[Grubbs v. Sheakley Grp., Inc., 807 F.3d 785 \(6th Cir. 2015\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

Plaintiffs further allege that Strunk-Zwick and all Sheakley Defendants violated the Racketeer Influenced and Corrupt Organizations Act (RICO) with their plan to steal Tri-Serve's client base. RICO 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 U.S.C. § 1962(c). Both individuals and corporate entities may be held liable under RICO; a person 'includes any individual or entity capable of holding a legal or beneficial interest in property.' 18 U.S.C. § 1961(3). 'Racketeering activity' encompasses many criminal acts, including those indictable for mail or wire fraud. See 18 U.S.C. § 1961(1). Finally, the statute requires at least two acts of racketeering activity within ten years to qualify as a 'pattern of racketeering activity.' 18 U.S.C. § 1961(5). The RICO statute allows a civil remedy to persons injured by a violation of 18 U.S.C. § 1962(c). 18 U.S.C. § 1964(c).

Summary

The RICO statute requires a pattern of racketeering activity, which includes at least two predicate acts such as wire fraud or mail fraud. The passage confirms that both individuals and entities can be held liable under RICO, and it provides a civil remedy for those injured by such violations. This supports the proposition that the wife's actions, if they involved wire fraud or other predicate acts, could form a pattern of racketeering activity under RICO.

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#)

U.S. District Court — Southern District of Texas

Extract

Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.' ... In this case, Heden alleges mail fraud and wire fraud as predicate acts supporting his civil RICO claims. See 18 U.S.C. §§ 1341, 1343. A criminal conviction of the defendants for mail or wire fraud is not a condition of urging these offenses as the basis for civil RICO claims. ... A 'pattern of

racketeering activity' requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5).

Summary

Requirements for a civil RICO claim, specifically noting that predicate acts can include wire fraud and mail fraud, which are relevant to the proposition. It also clarifies that a criminal conviction is not necessary to allege these acts in a civil RICO claim. The requirement of a "pattern of racketeering activity" involving at least two acts within a ten-year period is directly relevant to the proposition's assertion of multiple predicate acts.

[Paycom Billing Services v. Payment Resources, 212 F.Supp.2d 732 \(W.D. Mich. 2002\)](#)

U.S. District Court — Western District of Michigan

Extract

Section 1962(c) of RICO provides that '[i]t shall be unlawful for any person employed by or associated with any enterprise ... to conduct ... such enterprise's affairs through a pattern of racketeering activity....' 18 U.S.C. § 1962(c) (1999) (emphasis added). A complaint asserting a RICO claim must allege the (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. Sedima, SPRL v. Imrex Co., 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985); Eby v. Producers Co-op, Inc., 959 F.Supp. 428, 432 (W.D.Mich.1997). ... In order to establish a 'racketeering activity,' Plaintiff must allege a predicate act. Advocacy Org. for Patients & Providers v. Auto Club Ins. Ass'n, 176 F.3d 315, 322 (6th Cir.1999) (quoting Kenty v. Bank One, Columbus, N.A., 92 F.3d 384, 389 (6th Cir.1996)). 'Racketeering activity' is defined in 18 U.S.C. § 1961(1)(B) as including any act 'indictable' under certain enumerated federal criminal statutes, including 18 U.S.C. § 1343, which makes wire fraud a crime.

Summary

To establish a RICO claim, there must be a pattern of racketeering activity, which includes predicate acts such as wire fraud. The passage explains the legal framework for asserting a RICO claim, which aligns with the proposition that the wife's actions could constitute wire fraud and other predicate acts under RICO.

[Banks v. Wolk, 918 F.2d 418 \(3rd Cir. 1990\)](#)

U.S. Court of Appeals — Third Circuit

Extract

The RICO statute authorizes civil suits by '[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. Sec. 1962].'¹⁸ U.S.C. Sec. 1964(c) (1988). Section 1962(c) prohibits any person employed by or associated with an enterprise affecting interstate commerce from 'conduct[ing] or participat[ing] ... in the conduct of such enterprise's affairs through a pattern of racketeering activity.' ... We note that no defendant can be liable under RICO unless he participated in two or more predicate offenses sufficient to constitute a pattern. ... In *H.J. Inc. v. Northwestern Bell Telephone Co.*, --- U.S. ----, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), the Supreme Court addressed the standards governing RICO's pattern requirement. The Court stressed that a pattern requires more than the commission of two or more predicate acts. A plaintiff must show also 'that the racketeering acts are related, and that they amount to or pose a threat of continued criminal activity.'

Summary

For a RICO claim to be valid, there must be a "pattern of racketeering activity," which involves at least two predicate acts that are related and pose a threat of continued criminal activity. The passage also clarifies that the acts need not be part of multiple schemes; a single scheme can suffice if it poses a threat of future criminal activity. This supports the proposition that the wife's actions, if they involve wire fraud and interstate transportation of stolen property, could constitute a pattern of racketeering activity under RICO.

[Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783 \(6th Cir. 2012\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

To state a RICO claim, a plaintiff must plead the following elements: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." ... To establish a substantive RICO violation, a plaintiff must show "a pattern of racketeering activity." 18 U.S.C. § 1962(c). A pattern of racketeering activity requires, at a minimum, two acts of racketeering activity within ten years of each other. ... The Supreme Court has held, however, that the minimum two acts are not necessarily sufficient and that a plaintiff must show "that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity."

Summary

To establish a RICO claim, a plaintiff must demonstrate a pattern of racketeering activity, which involves at least two related predicate acts that pose a threat of continued criminal activity. The passage supports the

proposition by confirming that the described conduct, involving wire fraud and interstate transportation of stolen property, could constitute the necessary predicate acts for a RICO claim.

[Heinrich v. Waiting Angels Adoption Servs., Inc., 668 F.3d 393 \(6th Cir. 2012\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

To establish a substantive RICO violation, a plaintiff must show 'a pattern of racketeering activity.' 18 U.S.C. § 1962(c). A pattern of racketeering activity requires, at minimum, two acts of racketeering activity within ten years of each other. 18 U.S.C. § 1961(5). While the statute defines the minimum number of acts necessary to establish a pattern of racketeering activity, the Supreme Court has held that the minimum two acts are not necessarily sufficient. In order to show a 'pattern' of racketeering activity, a plaintiff 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. Nw. Bell Tel. Co., 492 U.S. 229, 237-39, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

Summary

To establish a RICO violation, there must be a pattern of racketeering activity, which requires at least two related predicate acts that pose a threat of continued criminal activity. The passage supports the proposition by explaining the legal framework for establishing a RICO claim, which aligns with the described conduct involving multiple predicate acts such as wire fraud and interstate transportation of stolen property.

[In re Insurance Brokerage Antitrust Litig., 618 F.3d 300 \(3rd Cir. 2010\)](#)

U.S. Court of Appeals — Third Circuit

Extract

According to the RICO statute, a 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). 'These predicate acts of racketeering may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.'

Summary

The RICO statute requires at least two acts of racketeering activity within a ten-year period to establish a "pattern of racketeering activity." The passage specifically mentions that predicate acts of racketeering may include federal

mail fraud and federal wire fraud, which are relevant to the proposition. The wife's actions, as described in the proposition, could potentially involve wire fraud if her use of PayPal to empty the joint bank account involved wire communications in furtherance of a fraudulent scheme. Additionally, if the wife crossed state lines with the intent to further the fraudulent scheme, this could constitute another predicate act under RICO.

[18 U.S.C. § 2314](#) [18 U.S.C. § 2314 Transportation of Stolen Goods, Securities, Moneys, Fraudulent State Tax Stamps, Or Articles Used In Counterfeiting](#)

Extract

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or 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, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more;

Summary

18 U.S.C. § 2314 criminalizes the interstate transportation of money or property valued at \$5,000 or more that has been stolen, converted, or taken by fraud. This statute is relevant to the proposition because it provides a basis for considering the wife's actions as a predicate act under RICO if she transported or transferred funds across state lines as part of a fraudulent scheme. The passage supports the idea that such actions could be considered part of a "pattern of racketeering activity" if they meet the criteria outlined in the statute.

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

Extract

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Summary

Legal basis for arguing that the wife's conduct, involving multiple predicate acts such as wire fraud and interstate transportation of stolen property,

could form a pattern of racketeering activity, thus supporting a civil RICO 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

Legal basis for considering such actions as part of a fraudulent scheme, which is relevant to establishing a pattern of racketeering activity under RICO.

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

Extract

As used in this chapter- 'racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code:... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),... sections 2314 and 2315 (relating to interstate transportation of stolen property)... '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 definition of "racketeering activity" under 18 U.S.C. § 1961 includes acts such as wire fraud and interstate transportation of stolen property. These acts are relevant to the proposition because they align with the alleged actions of the wife and stepfather, such as using PayPal for fraudulent transfers (potential wire fraud) and crossing state lines to further a fraudulent scheme (potential interstate transportation of stolen property). The passage also clarifies that a "pattern of racketeering activity" requires at least two predicate acts within a 10-year period, which is consistent with the proposition's claim of multiple predicate acts.

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

Individuals who are injured in their business or property due to a violation of section 1962 (which includes engaging in a pattern of racketeering activity) have the right to sue in federal court. They can recover three times the damages they sustain, along with the cost of the suit and reasonable attorney's fees. This supports the proposition by confirming that the husband, if injured by the wife's alleged racketeering activities, could potentially bring a civil RICO claim and seek treble damages.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Allison, Bridget - 1998-03-22

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.' RICO defendants need not be convicted of each 'racketeering activity' before a substantive RICO offense is charged. 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; (b) acts that are indictable under specified provisions of Title 18... RICO, therefore, requires that the commission of two predicate acts constitute a 'pattern.' In *Sedima, S.P.R.L v. Imrex Co.*, the Supreme Court attempted to clarify what constitutes a 'pattern of racketeering.' Reviewing RICO's legislative history, the Court noted in dictum that the evil which RICO is designed to remedy is organized crime, not isolated offenses; consequently, isolated predicate acts do not constitute a pattern. Citing the Senate's original report on the proposed RICO statute, the Court stated that a pattern consists of 'continuity plus relationship.'

Summary

These acts do not need to be isolated and should form a pattern, which aligns with the proposition that the wife's actions could constitute a pattern of racketeering activity under RICO if they involve multiple predicate acts such as wire fraud and interstate transportation of stolen property.

[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

The most commonly charged RICO predicate acts are mail fraud and wire fraud, 18 U.S.C. §§ 1341, 1343. The elements of proof necessary to establish mail or wire fraud predicates are set forth in Section 5.10, infra. ... Under 18 U.S.C. § 1341 [1343], a person who has devised or intended to devise a scheme or artifice to defraud, or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, and who uses the mails [or interstate wire communications] to execute or attempt to execute the scheme or artifice to defraud, has committed mail [wire] fraud.

Summary

Elements required to establish these acts, which align with the proposition's description of the wife's actions involving wire communications (e.g., using PayPal) and crossing state lines to further a fraudulent scheme. This supports the argument that the wife's actions could constitute a pattern of racketeering activity under RICO.

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

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

Extract

Mail and wire fraud are the two most frequently alleged predicate acts. The mail fraud statute, 18 U.S.C. § 1341, prohibits any person from knowingly causing the use of the mails—or, since 1994, private carrier services like FedEx—"for the purpose of executing" any "scheme or artifice to defraud." ... The wire fraud statute, 18 U.S.C. § 1343 provides: 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, ... The raw number of mail or wire fraud violations may not reflect accurately the extent of deceptive conduct. Under §§ 1341 and 1343, each mailing and interstate wire communication is a separate offense, even if each relates to the same scheme to defraud and even if the defendant did not control the number of mailings or communications.

Summary

Mail and wire fraud are common predicate acts under RICO. The statutes 18 U.S.C. § 1341 and § 1343 define these acts as involving schemes to defraud using mail or wire communications. Each act of mailing or wire communication in furtherance of a fraudulent scheme is considered a separate offense. This supports the proposition that the wife's actions, if involving wire communications to defraud, could constitute wire fraud, a predicate act under RICO.

[RICO - the rejection of an economic motive requirement.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Randolph, Jennifer G. - 1995-03-22

Extract

acts of racketeering were motivated by an economic purpose."(151) ... Chief Justice Rehnquist concluded that RICO does not require proof that "the racketeering enterprise or the predicate acts of racketeering were motivated by an economic purpose."(152) ... Section 1961(1) of RICO defines certain offenses and acts considered racketeering activity; these offenses are referred to as RICO predicate acts. 18 U.S.C. [sections] 1961 (1988). ... sections 2314 and 2315 (relating to interstate transportation of stolen property)

Summary

RICO does not require an economic motive for the predicate acts of racketeering, which broadens the applicability of RICO to various fraudulent schemes, including those described in the proposition. The passage also confirms that wire fraud and interstate transportation of stolen property are considered predicate acts under RICO, which aligns with the actions described in the proposition.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Donovan, Emily R. - 1995-01-01

Extract

RICO indictments require that the government prove: (1) that the defendant, through the commission of two or more acts; (2) constituting a pattern of racketeering activity; (3) directly or indirectly invested in, or maintained an interest in, or participated in; (4) an enterprise; (5) the activities of which affected interstate or foreign commerce... RICO complaints must allege that each predicate act is a 'racketeering activity'... federal offenses that involve

bankruptcy, securities fraud, and controlled drugs... If liability were created simply by committing two predicate acts, a RICO claim usually would overlap any commercial fraud claim which involved at least two mailings or telephone calls... RICO, therefore, requires that the commission of two predicate acts constitute a 'pattern.'

Summary

Elements necessary for a RICO indictment, including the requirement of predicate acts such as wire fraud and mail fraud, which are relevant to the proposition. The passage also discusses the necessity of these acts affecting interstate commerce, which aligns with the wife's actions of crossing state lines.

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⁾... wire fraud; mail fraud; financial institution fraud... The Sedima Court further relied on the definition of 'pattern' provided in 18 U.S.C. [sections] 3575(e)...

Summary

A RICO claim requires at least two predicate acts of racketeering activity, which can include wire fraud and mail fraud. The passage also clarifies that defendants do not need to be convicted of each underlying offense before a RICO charge is made. This supports the proposition that the wife's actions, if they involved wire fraud and other predicate acts, could form a pattern of racketeering activity under RICO.

Racketeer influenced and corrupt organizations.

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

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... acts that are indictable under specified provisions of Title 18... wire fraud; mail fraud;... interstate transportation of stolen property... If committing any two predicate acts created liability, a RICO claim would usually overlap with any commercial fraud claim which involved at least two mailings or telephone calls. RICO therefore applies only where the commission of two predicate acts constitutes a 'pattern.'(43)... a pattern consists of 'continuity plus relationship.'

Summary

A RICO claim requires at least two predicate acts of racketeering activity, which can include wire fraud and interstate transportation of stolen property. The passage also clarifies that these acts must form a "pattern" of racketeering activity, defined as "continuity plus relationship." This supports the proposition that the wife's actions, if they involved wire fraud and interstate transportation of stolen property, could constitute a pattern of racketeering activity under RICO.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Bremer, Lance - 1997-01-01

Extract

RICO indictments must allege that each predicate act is a 'racketeering activity' as delineated in [sections] 1961(1)... As long as the 'racketeering activity' is 'chargeable' or 'indictable' under an applicable criminal statute, the RICO charge is available... Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes... If liability were created simply by committing two predicate acts, a RICO claim usually would overlap with any commercial fraud claim which involved at least two mailings or telephone calls. RICO, therefore, requires that the commission of two predicate acts constitute a 'pattern.'

Summary

The passage explains that for a RICO charge to be available, the predicate acts must be chargeable or indictable under applicable criminal statutes. It also clarifies that a pattern of racketeering activity requires more than just two predicate acts; these acts must form a pattern. This supports the proposition by indicating that the wife's actions, if they involve wire fraud

and interstate transportation of stolen property, could be considered predicate acts under RICO, forming a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Beard, Glen - 1996-03-22

Extract

RICO indictments must allege that each predicate act is a 'racketeering activity' as delineated in [sections] 1961(1).(31) RICO defendants need not be convicted of each 'racketeering activity' before a substantive RICO offense is charged.(32) As long as the 'racketeering activity' is 'chargeable' or 'indictable' under an applicable criminal statute, the RICO charge is available.(33) While a minimum of two acts are necessary, more than two may be required to establish the RICO violation.(34) ... 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;(35) (b) acts that are indictable under specified provisions of Title 18;(36) ...

Summary

A RICO claim requires at least two predicate acts of racketeering activity, which can include wire fraud and interstate transportation of stolen property. The passage confirms that these acts do not need to result in a conviction to be considered in a RICO charge, as long as they are chargeable or indictable under applicable statutes. This supports the proposition that the wife's actions, if they involved wire fraud and crossing state lines for fraudulent purposes, could constitute predicate acts under RICO.

PAYORS, PLAYERS, AND PROXIMATE CAUSE.

Notre Dame Law Review - University of Notre Dame Law School - Crusey, Elisabeth F. - 2022-05-01

Extract

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of

racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34) Today, Congress urges courts to construe RICO liberally from the 'perspective of the victim, not the perpetrator.' (35) A private civil right of action in [section] 1964 provides that '[a]ny person injured in his business or property by reason of a violation of section 1962... may sue.' (36) Notably, a successful plaintiff under [section] 1964 is entitled to treble damages and the cost of the suit, including attorney fees. (37)

Summary

Types of conduct that can be remedied under RICO, including conducting affairs through a pattern of racketeering activity. It also emphasizes the liberal construction of RICO from the victim's perspective, which supports the proposition that the wife's actions could be seen as part of a pattern of racketeering activity under RICO.

[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. ... RICO's broad definition of racketeering activity and the act's reference to mail and wire fraud as predicate offenses begs the question: Why not RICO? ... Civil RICO is so broad and offers such a potentially broad pathway to pleading of such a claim in light of the inclusion of mail and wire fraud as predicate acts that a plaintiff can take almost any given set of facts and fashion their pleadings and be afforded the opportunity to plead a civil racketeering claim. The key is to make certain that each of the four critical elements previously set out is properly pleaded.

Summary

A civil RICO claim under § 1962(c) requires the plaintiff to allege conduct of an enterprise through a pattern of racketeering activity, which includes predicate acts like mail and wire fraud. The passage emphasizes the broad applicability of RICO, especially when mail and wire fraud are involved, and the necessity to plead these elements with particularity. This supports the proposition that the wife's actions, if involving wire fraud and crossing state lines for fraudulent purposes, could form a pattern of racketeering activity under RICO.

[Theft offenses](#)

Defending Specific Crimes - James Publishing - Timothy E. Zerillo - 2020-04-29

Extract

Mail fraud, 18 U.S.C. §1341 requires that the defendant devise or intend to devise a scheme to defraud (or to perform specified fraudulent acts), and that the defendant use the mail for the purpose of executing, or attempting to execute, the scheme to defraud. See Schmuck v. United States, 489 U.S. 705, 721 n. 10 (1989); see also Pereira v. United States, 347 U.S. 1, 8 (1954) ("The elements of the offense of mail fraud under ... §1341 are (1) a scheme to defraud, and (2) the mailing of a letter, etc., for the purpose of executing the scheme."). Wire fraud, 18 U.S.C. §1343, is very similar to the mail fraud

Summary

Both mail fraud and wire fraud require a scheme to defraud and the use of mail or wire communications to execute that scheme. The passage provides legal definitions and elements of mail and wire fraud, which are relevant to establishing predicate acts under RICO. The wife's actions, as described in the proposition, could potentially meet these elements if they involved fraudulent schemes executed through wire communications (e.g., using PayPal) or mail (e.g., sending false divorce paperwork).

[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.

Summary

RICO encompasses a wide range of criminal activities, including wire fraud and mail fraud, which are relevant to the proposition. The passage confirms that wire fraud, which could include the wife's use of PayPal to empty the joint bank account, is a common predicate act under RICO. This supports the argument that the wife's actions could be considered part of a "pattern of racketeering activity" if they meet the criteria for wire fraud.

[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.

Summary

RICO includes a list of federal criminal statutes that qualify as "racketeering activities." Among these, wire fraud (18 U.S.C. § 1343) and mail fraud (18 U.S.C. § 1341) are explicitly mentioned as common predicate acts. This directly supports the proposition that the wife's actions, if involving wire communications for fraudulent purposes, could constitute wire fraud, a predicate act under RICO. Additionally, the crossing of state lines with intent to further a fraudulent scheme could potentially involve other predicate acts under RICO.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

A civil RICO claim under Section 1962(c) requires a pattern of racketeering activity, which involves long-term, organized conduct violating state and federal laws. The passage also highlights that wire fraud is a common predicate act for RICO claims. The described conduct in the proposition, involving wire fraud and potentially interstate transportation of stolen property, aligns with the requirements for a RICO claim as outlined in the passage.

This memo was compiled by Vincent AI based on vLex materials available as of June 06, 2025. [View full answer on vLex](#)