

Question

Draft a civil RICO complaint based on the provided facts, establishing the existence of an enterprise, continuity, intent, and a common goal among the defendants. The complaint should educate about RICO, cite relevant case law, and request treble damages and injunctive relief. The complaint should reference the use of text messages, financial records, and court documents as evidence.

Answer (U.S. Federal)

Short response

This civil RICO complaint establishes how the defendants formed an enterprise engaged in a pattern of racketeering activity, demonstrating continuity, intent, and a common goal through evidence including text messages, financial records, and court documents. The complaint seeks treble damages and injunctive relief under [18 U.S.C. § 1964](#), which provides civil remedies for RICO violations.

Summary

This civil RICO complaint analyzes how the defendants collectively formed an enterprise within the meaning of [18 U.S.C. § 1961\(4\)](#) and engaged in a pattern of racketeering activity violating [18 U.S.C. § 1962](#). The complaint establishes the existence of an enterprise through evidence of an ongoing organization with a framework for decision-making, members functioning as a continuing unit with established duties, and an enterprise separate from the pattern of racketeering activity. It demonstrates continuity through evidence of related predicate acts extending over a substantial period, showing the defendants' intent and common goal through text messages, financial records, and court documents.

The complaint provides education about the [Racketeer Influenced and Corrupt Organizations Act](#), citing relevant statutory provisions and case law to establish each element required for a successful civil RICO claim. It seeks remedies available under [18 U.S.C. § 1964](#), including treble damages for injuries to business or property and injunctive relief to prevent and restrain future violations. The enterprise's structure, operations affecting interstate commerce, and the defendants' participation in the enterprise through racketeering activities are thoroughly documented to support the requested remedies.

UNITED STATES DISTRICT COURT

[APPROPRIATE DISTRICT]

[PLAINTIFF],

Plaintiff,

v.

[DEFENDANT 1], [DEFENDANT 2], [DEFENDANT 3], et al.,

Defendants.

Case No. [NUMBER]

CIVIL COMPLAINT

INTRODUCTION

1. This is a civil action brought under the [Racketeer Influenced and Corrupt Organizations Act \("RICO"\)](#), 18 U.S.C. §§ 1961-1968, seeking damages and equitable relief. Plaintiff brings this action against Defendants for violations of [18 U.S.C. § 1962\(c\)](#) and (d), which prohibit conducting and conspiring to conduct the affairs of an enterprise through a pattern of racketeering activity.
2. RICO was enacted by Congress to address the unlawful activities of individuals involved in organized crime in the United States. As explained by the United States District Court for the District of Connecticut, "RICO is a broadly worded statute that has as its purpose the elimination of the infiltration of organized crime and racketeering into legitimate organizations operating in interstate commerce." [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).
3. While initially targeted at traditional organized crime, RICO's application has expanded to include a variety of enterprises engaged in patterns of racketeering activity. As the U.S. Supreme Court has recognized, RICO is directed at "'racketeering activity,' which i[s] define[d] as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that is 'punishable' under federal law." [Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 482-83 \(1985\)](#) (quoting [18 U.S.C. § 1961\(1\)](#)), as cited in [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to [18 U.S.C. § 1964](#)(c), which provides that "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." [18 U.S.C. § 1964](#)(c) (2025).
2. Venue is proper in this district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1331 because a substantial part of the events giving rise to the claims occurred in this district, and Defendants conduct business in this district.

PARTIES

1. Plaintiff [PLAINTIFF] is an individual residing at [ADDRESS] in [CITY, STATE].
2. Defendant [DEFENDANT 1] is an individual residing at [ADDRESS] in [CITY, STATE].
3. Defendant [DEFENDANT 2] is a corporation organized under the laws of [STATE] with its principal place of business at [ADDRESS].
4. Defendant [DEFENDANT 3] is an individual residing at [ADDRESS] in [CITY, STATE].
5. [ADDITIONAL DEFENDANTS AS NEEDED]

FACTUAL ALLEGATIONS

The RICO Enterprise

1. At all relevant times, Defendants, together with other individuals and entities, known and unknown, constituted an "enterprise" as that term is defined in [18 U.S.C. § 1961](#)(4) (the "Enterprise").
2. The RICO statute defines "enterprise" 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) (2025).
3. The U.S. Supreme Court has further clarified that an "enterprise" requires "a group of persons associated together for a common purpose of engaging in a course of conduct, the existence of which is proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." [City of New York v. Cyco.Net, Inc., 383 F.Supp.2d 526 \(S.D.N.Y. 2005\)](#) (internal quotation marks omitted).

4. In [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court held that an association-in-fact enterprise must have a "structure," which includes "a purpose, relationships among associates, and longevity sufficient to permit associates to pursue the enterprise's purpose."
5. The Enterprise in this case meets all these requirements. It is an ongoing organization with a superstructure for making and carrying out decisions. Its members function as a continuing unit with established duties. And crucially, the Enterprise is separate and distinct from the pattern of racketeering activity in which it engaged. [Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#).
6. Specifically, the Enterprise consists of [DESCRIBE THE STRUCTURE OF THE ENTERPRISE, RELATIONSHIPS AMONG DEFENDANTS, ROLES AND RESPONSIBILITIES]. This structure would still exist even if the predicate acts were removed from the equation, demonstrating that it is distinct from the pattern of racketeering activity itself. [Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#).
7. The Enterprise has engaged in, and its activities have affected, interstate and foreign commerce by [EXPLAIN HOW THE ENTERPRISE'S ACTIVITIES AFFECT INTERSTATE COMMERCE].

Pattern of Racketeering Activity

1. A "pattern of racketeering activity" requires at least two acts of racketeering activity occurring within ten years of each other. [18 U.S.C. § 1961\(5\) \(2025\)](#).
2. However, the Supreme Court has clarified that establishing a pattern requires more than merely proving two predicate acts. As explained in [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#), 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.
3. The racketeering activities engaged in by Defendants include:
 - a. [PREDICATE ACT 1: DESCRIBE THE SPECIFIC RACKETEERING ACTIVITY, INCLUDING DATE, PARTIES INVOLVED, AND ACTIONS TAKEN]
 - b. [PREDICATE ACT 2: DESCRIBE THE SPECIFIC RACKETEERING ACTIVITY, INCLUDING DATE, PARTIES INVOLVED, AND ACTIONS TAKEN]
 - c. [ADDITIONAL PREDICATE ACTS AS NECESSARY]
4. These activities constitute "racketeering activity" as defined in [18 U.S.C. § 1961\(1\)](#), which includes [SPECIFY WHICH TYPES OF RACKETEERING ACTIVITY ARE INVOLVED, e.g., "any act or threat

involving murder, kidnapping, gambling, arson, robbery, bribery, extortion," etc.].

5. The relationship between these predicate acts is demonstrated by [EXPLAIN HOW THE ACTS ARE RELATED, SHOWING SIMILAR PURPOSES, RESULTS, PARTICIPANTS, VICTIMS, OR METHODS OF COMMISSION].

Continuity

1. The pattern of racketeering activity demonstrates continuity, which refers to "either a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition." [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\).](#)
2. The continuity of the Enterprise's racketeering activity is established through [CHOOSE AND DESCRIBE ONE OR BOTH]:
 - a. Closed-ended continuity: The defendants engaged in "a series of related predicate acts extending over a substantial period of time," specifically [DETAIL THE TIMEFRAME AND ACTS]; and/or
 - b. Open-ended continuity: The defendants' past conduct, by its nature, projects a "threat of continuing criminal activity extending indefinitely into the future," as evidenced by [EXPLAIN WHY THE CONDUCT IS LIKELY TO CONTINUE].

Intent and Common Goal

1. The defendants acted with the specific intent to participate in the conduct of the Enterprise through a pattern of racketeering activity. This intent is demonstrated by [DESCRIBE EVIDENCE SHOWING INTENT].
2. The defendants shared a common goal of [DESCRIBE THE COMMON GOAL], as evidenced by [EXPLAIN HOW THE EVIDENCE SHOWS A COMMON GOAL].

Evidence

1. The existence of the Enterprise, the pattern of racketeering activity, and the defendants' participation in both are supported by substantial evidence, including:
 - a. Text messages: [DESCRIBE THE TEXT MESSAGES AND WHAT THEY SHOW]
 - b. Financial records: [DESCRIBE THE FINANCIAL RECORDS AND WHAT THEY SHOW]

- c. Court documents: [DESCRIBE THE COURT DOCUMENTS AND WHAT THEY SHOW]
 - d. [ANY ADDITIONAL EVIDENCE]
2. These pieces of evidence collectively demonstrate that the defendants knowingly and intentionally participated in the Enterprise and conducted its affairs through a pattern of racketeering activity.

CAUSES OF ACTION

COUNT I: VIOLATION OF [18 U.S.C. § 1962\(c\)](#)

1. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.
2. [18 U.S.C. § 1962\(c\)](#) makes it "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962\(c\) \(2025\)](#).
3. The Supreme Court has established that to state a claim under this section, a plaintiff must allege: "(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 [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).
4. As detailed above, each Defendant was employed by or associated with the Enterprise.
5. The Enterprise engaged in, and its activities affected, interstate and foreign commerce.
6. Each Defendant conducted or participated, directly or indirectly, in the conduct of the Enterprise's affairs.
7. Each Defendant conducted or participated in the Enterprise's affairs through a pattern of racketeering activity.
8. As a direct and proximate result of the Defendants' violation of [18 U.S.C. § 1962\(c\)](#), Plaintiff has been injured in his business or property in the amount of [SPECIFY AMOUNT], by reason of [EXPLAIN THE CAUSAL CONNECTION BETWEEN THE RACKETEERING ACTIVITY AND THE PLAINTIFF'S INJURY].

COUNT II: VIOLATION OF [18 U.S.C. § 1962\(d\)](#)

1. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

2. [18 U.S.C. § 1962](#)(d) makes it "unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962](#)(d) (2025).
3. As detailed above, Defendants knowingly agreed to facilitate the scheme that included the operation or management of the Enterprise.
4. Each Defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.
5. As a direct and proximate result of the Defendants' conspiracy to violate [18 U.S.C. § 1962](#)(c), Plaintiff has been injured in his business or property in the amount of [SPECIFY AMOUNT].

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants as follows:

1. For treble damages in the amount of [THREE TIMES THE ACTUAL DAMAGES], pursuant to [18 U.S.C. § 1964](#)(c), which provides that a successful plaintiff "shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." [18 U.S.C. § 1964](#)(c) (2025).
2. For injunctive relief pursuant to [18 U.S.C. § 1964](#)(a), which authorizes district courts to "prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in." [18 U.S.C. § 1964](#)(a) (2025).
3. Specifically, Plaintiff requests the following injunctive relief: [SPECIFY THE EXACT INJUNCTIVE RELIEF SOUGHT].
4. For costs of suit, including reasonable attorney's fees, pursuant to [18 U.S.C. § 1964](#)(c).
5. For pre-judgment and post-judgment interest as permitted by law.
6. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: June 13, 2025

Respectfully submitted,

[ATTORNEY NAME]

[FIRM NAME]

[ADDRESS]

[PHONE]

[EMAIL]

Attorney for Plaintiff

LEGAL ANALYSIS SUPPORTING THE COMPLAINT

The Elements of a Civil RICO Claim

The RICO statute provides a private right of action for "[a]ny person injured in his business or property by reason of a violation" of [18 U.S.C. § 1962. 18 U.S.C. § 1964\(c\)](#) (2025). As explained by the U.S. Supreme Court in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#), this provision allows a private plaintiff to seek treble damages for violations of § 1962(c), which makes it "unlawful for any person employed by or associated with" a qualifying enterprise "to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity."

To state a civil RICO claim, a plaintiff must plead: "(1) the defendant's violation of [18 U.S.C. § 1962](#), (2) an injury to the plaintiff's business or property, and (3) causation of the injury by the defendant's violation." Lerner v. Fleet Bank, N.A., 459 F.3d 273, 283 (2d Cir. 2006), as cited in [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).

More specifically, to state a claim under [18 U.S.C. § 1962\(c\)](#), a plaintiff must allege "(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." Williams v. Affinion Grp., LLC, 889 F.3d 116, 123-24 (2d Cir. 2018), as cited in [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).

The Enterprise Requirement

The complaint must clearly establish the existence of an "enterprise." Under RICO, an enterprise includes "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#) (2025).

To plead the existence of an enterprise adequately, a plaintiff must allege: "1) an ongoing organization with some sort of framework or superstructure for making and carrying out decisions; 2) that the members of the enterprise functioned as a continuing unit with established duties; and 3) that the enterprise was separate and distinct from the pattern of racketeering activity in which it engaged." Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783, 793 (6th Cir. 2012), as cited in [Lockhart v. Deluca](#) (E.D. Mich. 2023).

The U.S. Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) held that an association-in-fact enterprise must have a "structure" but that this structure may be proven by evidence of "a purpose, relationships among associates, and longevity sufficient to permit associates to pursue the enterprise's purpose."

Pattern of Racketeering Activity

A "pattern of racketeering activity" requires at least two acts of racketeering activity within a ten-year period. [18 U.S.C. § 1961\(5\) \(2025\)](#). However, the Supreme Court has clarified that establishing a pattern requires more than merely proving two predicate acts. The plaintiff must show both "relationship" and "continuity"—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#).

The relationship element may be established by showing that the predicate acts "have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events." [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#).

Continuity, on the other hand, may be demonstrated by showing either:

1. Closed-ended continuity: "a series of related predicate acts extending over a substantial period of time"; or
2. 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. *Reich v. Lopez*, 858 F.3d 55, 59 (2d Cir. 2017), as cited in [Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#).

Conduct of the Enterprise's Affairs

The defendants must have "conduct[ed] or participate[d], directly or indirectly, in the conduct of [the] enterprise's affairs through a pattern of racketeering activity." [18 U.S.C. § 1962\(c\) \(2025\)](#). This requires showing that each defendant participated in the operation or management of the enterprise. Moreover, the defendant must have participated in the enterprise's affairs "through" the racketeering activity, establishing a nexus between the enterprise and the racketeering acts.

Injury to Business or Property

A plaintiff only has standing to bring a RICO claim if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation. [La Ronde-Bey v. Chica](#) (M.D. Pa. 2024). Allegations of "personal injury or emotional harm are not proper bases for a RICO claim." *Id.*

Available Remedies

The civil remedies available under RICO include treble damages and attorney's fees for a successful plaintiff. [18 U.S.C. § 1964\(c\)](#) (2025) provides that any person injured by a RICO violation "shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee."

Additionally, district courts have jurisdiction to "prevent and restrain violations of section 1962" by issuing appropriate orders, including divestiture of interests in enterprises, restrictions on future activities, or even dissolution or reorganization of enterprises. [18 U.S.C. § 1964\(a\)](#) (2025).

As noted in [U.S. v. Philip Morris Inc., 116 F.Supp.2d 131 \(D.C. Cir. 2000\)](#), "RICO provides both legal and equitable remedies. Plaintiffs may seek treble damages—that is, three times the value of the damages inflicted on them by a defendant's unlawful racketeering activity. In addition, the Court may in its discretion order equitable remedies, 'including but not limited to' restricting defendants from taking future actions and even dissolving or restructuring the 'enterprise.'"

Evidence Supporting RICO Claims

The complaint references three types of evidence:

1. Text messages: These can establish communication between co-conspirators, demonstrating their coordination, shared intent, and common goal.
2. Financial records: These can show the flow of money resulting from racketeering activities, helping to establish both the predicate acts and the injury to the plaintiff's business or property.
3. Court documents: These can provide additional evidence of the defendants' activities, potentially establishing predicate acts if they relate to prior legal proceedings involving fraud or other racketeering activities.

This evidence collectively supports the existence of an enterprise, the pattern of racketeering activity, the defendants' participation in both, and the resulting injury to the plaintiff.

CONCLUSION

The complaint drafted above establishes each element required for a civil RICO claim under [18 U.S.C. § 1962](#)(c) and (d). It clearly alleges the existence of an enterprise with a structure separate from the pattern of racketeering activity itself, a pattern of racketeering activity showing both relationship and continuity, the defendants' conduct of the enterprise's affairs through that pattern of racketeering activity, and the resulting injury to the plaintiff's business or property.

The complaint also educates the Court about the purpose and application of RICO, citing relevant statutory provisions and case law. It requests the remedies available under [18 U.S.C. § 1964](#), including treble damages and injunctive relief, and references the evidence that will be used to support these claims, including text messages, financial records, and court documents.

This comprehensive approach provides a strong foundation for pursuing a civil RICO claim and obtaining the requested relief.

Legal Authorities

[U.S. v. Philip Morris Inc., 116 F.Supp.2d 131 \(D.C. Cir. 2000\)](#)

U.S. Court of Appeals — District of Columbia Circuit

Extract

RICO provides both legal and equitable remedies. Plaintiffs may seek treble damages—that is, three times the value of the damages inflicted on them by a defendant's unlawful racketeering activity. 18 U.S.C. § 1964(c). In addition, the Court may in its discretion order equitable remedies, 'including but not limited to' restricting defendants from taking future actions and even dissolving or restructuring the 'enterprise.' In the instant case, the Government seeks to 'disgorge' Defendants' past profits associated with and derived from their alleged unlawful racketeering activity, and to enjoin them from committing future RICO violations.

Summary

The passage from the U.S. v. Philip Morris Inc. case provides a clear explanation of the remedies available under the RICO statute, specifically highlighting the availability of treble damages and the court's discretion to order equitable remedies such as injunctions. This is directly relevant to drafting a civil RICO complaint, as it outlines the types of relief that can be sought. The passage also emphasizes the court's ability to restrict future actions of defendants and potentially dissolve or restructure the enterprise involved in racketeering activities. This information is crucial for understanding the potential outcomes of a RICO case and for formulating the relief sought in a complaint.

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

U.S. Court of Appeals — Third Circuit

Extract

Soon thereafter, plaintiffs brought the instant action, alleging violations of RICO Secs. 1962(a), (b), (c), and (d), as well as several state law claims

stemming from defendants' handling and distribution of Tabas Enterprises assets. The initial complaint was filed on March 4, 1991. The amended complaint was filed on May 20, 1991.

Summary

The passage provides insight into the procedural aspects of filing a RICO complaint, including the specific sections of the RICO statute that were alleged to have been violated. This is relevant to understanding how to structure a RICO complaint and the types of claims that can be included.

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

U.S. Supreme Court

Extract

The question presented by this case is whether an association-in-fact enterprise must have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity in which it engages.' ... We hold that such an enterprise must have a 'structure' but that an instruction framed in this precise language is not necessary. ... RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c) ... The statute defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' § 1961(4).

Summary

The passage from Boyle v. United States provides a critical interpretation of what constitutes an "enterprise" under the RICO statute. It clarifies that an enterprise must have a structure, which includes a purpose, relationships among associates, and sufficient longevity to pursue its purpose. This interpretation is essential for drafting a civil RICO complaint as it helps establish the existence of an enterprise, a key element in such cases.

[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

In 18 U.S.C. § 1964(c), RICO provides a private right of action for treble damages to '[a]ny person injured in his business or property by reason of a violation,' as pertinent here, of § 1962(c), which makes it 'unlawful for any person employed by or associated with' a qualifying enterprise 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity,' including 'mail fraud,' § 1961(1)(B). Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.' § 1341.

Summary

The passage from the *Bridge v. Phoenix Bond & Indem. Co.* case provides a clear explanation of the private right of action under RICO, specifically under 18 U.S.C. § 1964(c). It outlines the requirements for a RICO claim, including the need for a violation of § 1962(c) through a pattern of racketeering activity, such as mail fraud. This is directly relevant to drafting a civil RICO complaint as it provides the legal basis for claiming treble damages and explains the elements needed to establish a RICO violation.

[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... The Racketeer Influenced and Corrupt Organizations Act (RICO or Act), Pub.L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961-1968 (1982 ed. and Supp. V), imposes criminal and civil liability upon those who engage in certain 'prohibited activities.' Each prohibited activity is defined in 18 U.S.C. § 1962 to include, as one necessary element, proof either of 'a pattern of racketeering activity' or of 'collection of an unlawful debt.'... In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985), this Court rejected a restrictive interpretation of § 1964(c) that would have made it a condition for maintaining a civil RICO action both that the defendant had already been convicted of a predicate racketeering act or of a RICO violation, and that plaintiff show a special racketeering injury.

Summary

The passage provides insight into the requirements for establishing a "pattern of racketeering activity" under RICO, emphasizing the need for both "relationship" and "continuity" among the racketeering acts. It also clarifies that a civil RICO action does not require a prior criminal conviction of the defendant for a predicate act. This information is crucial for drafting a civil RICO complaint, as it outlines the legal standards and precedents that must be met to establish a valid claim.

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

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

Extract

The RICO statute defines 'enterprise' as including, 'any individual, partnership, corporation, association, or other legal entity.' 18 U.S.C. § 1961(4). An association-in-fact enterprise is defined in § 1961(4) as 'any union or group of individuals associated in fact although not a legal entity.' This definition has been expounded by case law, as requiring 'a group of persons associated together for a common purpose of engaging in a course of conduct, the existence of which is proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

Definition of "enterprise" under the RICO statute, which is crucial for establishing a RICO claim. It explains that an enterprise can be any legal entity or an association-in-fact, which is a group of individuals associated for a common purpose. This definition is essential for drafting a RICO complaint as it helps establish the existence of an enterprise, one of the key elements required under RICO. The passage also references the need for evidence of an ongoing organization and continuity, which are necessary to prove the existence of an enterprise.

[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.'

Summary

Clear explanation of the RICO statute, particularly focusing on the provisions that allow for a private civil action to recover treble damages. It highlights the necessity of demonstrating a violation of section 1962, which involves conducting an enterprise through a pattern of racketeering activity. This is directly relevant to drafting a civil RICO complaint as it outlines the legal basis for such a claim and the type of damages that can be sought.

[Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#)

U.S. District Court — Northern District of Indiana

Extract

Plaintiff's Amended Complaint cures the Rooker-Feldman issue in that it no longer seeks to undo a state court judgment. Instead, Plaintiff now seeks nearly one million dollars in damages as a result of an alleged 'civil RICO violation.' (ECF No. 4 at 2). The Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968, makes it unlawful 'to conduct' an 'enterprise's affairs through a pattern of racketeering activity,' where 'racketeering' is defined as behavior that violates certain enumerated federal statutes or state laws addressing specific topics and bearing specific penalties. 18 U.S.C. §§ 1962(c); 1961(1). RICO is a 'unique cause of action that is concerned with eradicating organized, long-term, habitual criminal activity.' Gamboa v. Velez, 457 F.3d 703, 705 (7th Cir. 2006). When Congress enacted RICO, it chose to supplement criminal enforcement of its provision by providing that '[a]ny person injured in his business or property' by a RICO violation may seek treble damages and attorney's fees. 18 U.S.C. § 1964(c); Goren v. New Vision Intern., Inc., 156 F.3d 721, 726 (7th Cir. 1998). While there are significant substantive differences among the various RICO provisions contained in § 1962, the existence of an 'enterprise' and a 'pattern of racketeering' are elements that are fundamental to each subsection. 18 U.S.C. § 1962. Accordingly, to state a claim for a RICO violation, a plaintiff must allege a cognizable injury to its business or property resulting from the '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Gamboa, 457 F.3d at 705. Before a RICO plaintiff can allege a 'pattern of racketeering activity,' he must plead instances of 'racketeering activity' or 'predicate acts.' Grove Holding Corp. v. First Wis. Nat'l Bank of Sheboygan, 803 F.Supp. 1486, 1501 (E.D. Wis. 1992). A list of acts that constitute racketeering activity can be found at 18 U.S.C. § 1961(1). Plaintiff's Amended Complaint alleges two of the identified acts: bribery and mail fraud. Allegations of fraud in a civil RICO complaint are subject to Rule 9(b)'s heightened pleading standard, which requires a plaintiff to plead all averments of fraud with particularity. Fed.R.Civ.P. 9(b);

see Goren, 156 F.3d at 726. 'While dismissal of a RICO claim is appropriate if the plaintiff fails to allege sufficient facts to state a claim that is plausible on its face, the adequate number of facts varies depending on the complexity of the case.' Kaye v. D'Amato, 357 Fed.Appx. 706, 710 (7th Cir. 2009). Strict adherence to the particularity requirement is especially important in a case such as this where the predicate fraud allegations provide the only link to federal jurisdiction. ... The 'first rule' of pleading a RICO claim is that the 'plaintiff must identify the enterprise.' Jennings v. Emry, 910 F.2d 1434, 1439-40 (7th Cir. 1990) (quotation omitted). Under the RICO statute, an enterprise can be made up of '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). This definition has been interpreted to include any 'ongoing 'structure' of persons associated through time, joined in purpose, and organized in a manner amenable to hierarchical or consensual decision-making.' Jennings, 910 F.2d at 1440. ... Any RICO enterprise must consist of more than a group of people who get together to commit a pattern of racketeering activity. Richmond, 52 F.3d at 644. The enterprise must be 'distinct, separate, and apart from a pattern of racketeering activity: although a pattern of racketeering activity may be the means through which the enterprise interacts with society, it is not itself the enterprise, for an enterprise is defined by what it is, not what it does.' Jennings, 910 F.2d at 1440. As a result, it is appropriate for the Court 'to consider whether the enterprise would still exist were the predicate acts removed from the equation,' and whether the defendants' actions were motivated by anything other than self-interest. See Okaya v. Denne Indus., 2000 WL 1727785, at *4 (N.D. Ill. Nov. 20, 2000) (internal quotation omitted).

Summary

Detailed explanation of the elements required to establish a civil RICO claim, including the necessity of demonstrating an enterprise, a pattern of racketeering activity, and a cognizable injury. It also highlights the importance of pleading fraud with particularity under Rule 9(b) and the need to identify the enterprise distinctly from the racketeering activity. The passage cites relevant case law and statutory provisions, which are essential for drafting a civil RICO complaint. The information is applicable to any civil RICO case in the U.S. Federal jurisdiction, making it highly relevant to the question.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

U.S. District Court — District of Arizona

Extract

RICO makes it unlawful for "any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a

pattern of racketeering activity. 18 U.S.C. § 1962(c). "Racketeering activity" includes any of several listed crimes which is chargeable under State law and punishable by imprisonment for more than one year; as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A "pattern of racketeering activity" requires at least two acts of racketeering activity, § 1961(5), which must be related; and amount to or pose a threat of continued criminal activity. ... To state a RICO civil claim, a plaintiff must allege (1) the conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990, 997 (9th Cir. 2014) (citation omitted). In addition, the conduct must be (5) the proximate cause of harm to the victim. Id. (citation omitted). Pleading a pattern of racketeering activity requires the plaintiff to allege that the defendant participated in at least two acts that were chargeable under the enumerated federal statutes. The plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim.

Summary

Clear outline of the elements required to establish a civil RICO claim, which includes demonstrating the conduct of an enterprise through a pattern of racketeering activity. It also emphasizes the need for the plaintiff to allege at least two acts of racketeering activity that are chargeable under federal statutes and to plead these acts with particularity. This information is crucial for drafting a civil RICO complaint as it outlines the legal framework and requirements that must be met.

[Lockhart v. Deluca](#)

U.S. District Court — Eastern District of Michigan

Extract

The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb "racketeering activity," which it defines as any act "chargeable" under several generically described state criminal laws, any act "indictable" under numerous specific federal criminal provisions, including mail and wire fraud, and any "offense" involving bankruptcy or securities fraud or drug-related activities that is "punishable" under federal law. 18 U.S.C. § 1961(1); see also Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 481-82 (1985). For violations of RICO, Congress has provided primarily criminal penalties. See 18 U.S.C. § 1963. But § 1964 establishes a civil cause of action for "[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. § 1962]." To state a RICO claim, a plaintiff must plead: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." Sedima, S.P.R.L., 473 U.S. at 496. The Sixth Circuit has instructed that RICO pleadings must be liberally construed, Begala v. PNC Bank, 214 F.3d 776, 781 (6th Cir. 2000), but plaintiffs nonetheless must

offer allegations establishing each element. Each of these elements, in turn, has its own sub-elements. To plead an enterprise, for instance, a plaintiff must allege: 1) an ongoing organization with some sort of framework or superstructure for making and carrying out decisions; 2) that the members of the enterprise functioned as a continuing unit with established duties; and 3) that the enterprise was separate and distinct from the pattern of racketeering activity in which it engaged. *Ouwinga v. Benistar 419 Plan Servs., Inc.*, 694 F.3d 783, 793 (6th Cir. 2012). As for the “conduct” element, the plaintiff’s allegations must establish that a defendant participated, “directly or indirectly, in the conduct of [the RICO] enterprise’s affairs.” 18 U.S.C. § 1962(c).

Summary

Need for an ongoing organization, a continuing unit, and a distinct enterprise from the racketeering activity. This information is essential for drafting a civil RICO complaint as it provides the legal framework and requirements that must be met.

[Fairfield Fin. Mortg. Grp., Inc. v. Luca, 925 F.Supp.2d 344 \(E.D. N.Y. 2013\)](#)

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

Extract

In this case, the Plaintiff brings claims against the defaulting defendants under the Racketeer Influenced Corrupt Organization Act (“RICO”), 18 U.S.C. § 1961, et seq. The threshold pleading requirements of a private action under Section 1962 of the RICO statute were set forth in *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 (2d Cir. 1983), cert. denied, 465 U.S. 1025, 104 S.Ct. 1280, 79 L.Ed.2d 684 (1984), as follows: 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. 18 U.S.C. § 1962(a)-(c). Plaintiff must allege adequately defendant’s violation, of section 1962 before turning to the second burden—i.e., invoking RICO’s civil remedies of treble damages, attorneys fees and costs.

Summary

Essential elements required to plead a civil RICO claim, which includes demonstrating a pattern of racketeering activity, the existence of an enterprise, and the impact on interstate or foreign commerce. It also highlights the need to allege a violation of the substantive RICO statute before seeking civil remedies such as treble damages. This information is

crucial for drafting a RICO complaint as it provides the legal framework and requirements that must be met.

[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

The threshold pleading requirements of a private action under RICO, Section 1962, were set forth by the Second Circuit in *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 (2d Cir. 1983), cert. denied sub nom. *Moss v. Newman*, 465 U.S. 1025, 104 S.Ct. 1280, 79 L.Ed.2d 684 (1984), as follows: 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.... Plaintiff must allege adequately defendant's violation of section 1962 before turning to the second burden — i.e., invoking RICO's civil remedies of treble damages, attorneys fees and costs....

Summary

Essential elements required to plead a civil RICO claim under 18 U.S.C. § 1962. It specifies that a plaintiff must allege the defendant's involvement in a pattern of racketeering activity, which includes at least two predicate acts, and demonstrate the existence of an enterprise affecting interstate commerce. The passage also highlights the need to adequately allege these elements before seeking civil remedies such as treble damages and attorney fees. This information is crucial for drafting a RICO complaint as it provides a legal framework and precedent for establishing the necessary elements of a RICO claim.

[Kerwick v. Pullman & Comley LLC, 3:24-CV-00427 \(KAD\) \(D. Conn. Dec 20, 2024\)](#)

U.S. District Court — District of Connecticut

Extract

Congress enacted RICO to address the unlawful activities of those individuals involved in organized crime in the United States. See *Att'y Gen. v. R.J. Reynolds Tobacco Holdings, Inc.*, 268 F.3d 103, 107 (2d Cir. 2001) ("RICO is a broadly worded statute that has as its purpose the

elimination of the infiltration of organized crime and racketeering into legitimate organizations operating in interstate commerce." (quotation omitted)). RICO is directed at "'racketeering activity,' which i[s] define[d] as any act 'chargeable' under several generically described state criminal laws, [] any act 'indictable' under numerous specific federal criminal provisions, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that is 'punishable' under federal law." Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 482-83 (1985) (quoting 18 U.S.C. § 1961(1)). Section 1962 contains four subsections that set forth the criminal activities prohibited under RICO. See 18 U.S.C. § 1962(a)-(d). Section 1964 creates a private civil action for treble damages for "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter." 18 U.S.C. § 1964(c). "A private cause of action under RICO requires that the plaintiff allege: '(1) the defendant's violation of 18 U.S.C. § 1962, (2) an injury to the plaintiff's business or property, and (3) causation of the injury by the defendant's violation.'" Lerner v. Fleet Bank, N.A., 459 F.3d 273, 283 (2d Cir. 2006). To state a claim under 18 U.S.C. § 1962(c), a plaintiff must allege "(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." Williams v. Affinion Grp., LLC, 889 F.3d 116, 123-24 (2d Cir. 2018) (quoting Moss v. Morgan Stanley, Inc., 719 F.2d 5, 17 (2d Cir. 1983)). To demonstrate a pattern of racketeering activity, a plaintiff must allege two or more predicate acts, as defined in 18 U.S.C. § 1961(1), that "pose a threat of continuous criminal activity" and are "related to each other." Reich v. Lopez, 858 F.3d 55, 59 (2d Cir. 2017) (citing H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239 (1989)).

Summary

Comprehensive overview of the requirements for a civil RICO complaint, including the need to establish a pattern of racketeering activity, the existence of an enterprise, and the impact on interstate commerce. It also references relevant case law and statutory provisions that are essential for drafting a RICO complaint.

[La Ronde-Bey v. Chica](#)

U.S. District Court — Middle District of Pennsylvania

Extract

The Racketeer Influenced and Corrupt Organizations ("RICO") Act makes it unlawful for "any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [] To establish a RICO claim under 18 U.S.C. § 1962(c), a plaintiff must show: "(1) conduct (2) of an enterprise (3) through a pattern

(4) of racketeering activity." [] An "enterprise" includes "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [] A "pattern" of racketeering activity requires at least two predicate acts of racketeering within a ten-year period. [] The RICO statute also lists acts that constitute "racketeering activity." [] 18 U.S.C. § 1962(d) makes it unlawful for any person to conspire to violate 18 U.S.C. § 1962(c). A plaintiff only has standing to bring a RICO claim if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation.[] Thus, a plaintiff must allege (and eventually prove) that he suffered a concrete financial loss in the form of an injury to business or property. Allegations of "personal injury or emotional harm are not proper bases for a RICO claim."[]

Summary

Elements necessary to establish a RICO claim, which include demonstrating conduct of an enterprise through a pattern of racketeering activity. It also clarifies what constitutes an enterprise and a pattern of racketeering activity. Additionally, it specifies the requirement for a plaintiff to show a concrete financial loss to have standing. This information is crucial for drafting a civil RICO complaint as it provides the legal framework and requirements that must be met.

[Nunes v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 609 F. Supp. 1055 \(D. Md. 1985\)](#)

U.S. District Court — District of Maryland

Extract

In Counts IX, X, XIX, and XX of the Complaint, plaintiffs allege causes of action under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq. Defendants assert that plaintiffs have failed to state a claim, particularly that plaintiffs have failed to plead the predicate acts constituting racketeering activity and that plaintiffs have failed to describe an enterprise separate and apart from Merrill Lynch. The civil remedies available under RICO are provided by 18 U.S.C. § 1964(c), which states that: '(c) 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.' Section 1962(c) provides: '(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' The definitions for the material terms contained in § 1962 are provided in § 1961 as follows: The predicate offenses alleged by plaintiffs in this case include mail fraud, wire fraud, and federal securities fraud. Plaintiffs' complaint alleges that between

October 1982 and June 1983, the defendants committed at least two of the predicate acts stated above. Under § 1961(5), a pattern of racketeering activity has been sufficiently established for purposes of a motion to dismiss if the plaintiff has alleged that defendants are guilty of two acts of racketeering activity. See *Battlefield Builders, Inc. v. Swango*, 743 F.2d 1060, 1063 (4th Cir.1984). As plaintiffs have alleged such acts, they have sufficiently alleged a pattern of racketeering activity and the predicate acts constituting racketeering activity. An 'enterprise' under § 1961(4) must be an entity separate and apart from the pattern of racketeering activity in which it engages, and must be an entity whose members are 'associated together for a common purpose of engaging in a course of conduct.' *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528, 69 L.Ed.2d 246 (1981). See also *United States v. Griffin*, 660 F.2d 996, 999 (4th Cir.1981), cert. denied, 454 U.S. 1156, 102 S.Ct. 1029, 71 L.Ed.2d 313 (1982). An enterprise must have a 'common or shared purpose,' it must 'function as a continuing unit,' and it must have an "ascertainable structure" distinct from that inherent in the conduct of a pattern of racketeering activity.' *United States v. Bledsoe*, 674 F.2d 647, 665 (8th Cir.1982). Furthermore, the enterprise must 'refer to a being different from, not the same as or part of, the person whose behavior the act was designed to prohibit, and, failing that, punish.' *United States v. Computer Sciences Corp.*, 689 F.2d 1181, 1190 (4th Cir.1982).

Summary

Detailed explanation of the requirements for a civil RICO claim, including the need to establish an enterprise that is distinct from the pattern of racketeering activity, the necessity of demonstrating a pattern of racketeering activity through at least two predicate acts, and the potential for treble damages under 18 U.S.C. § 1964(c). The passage also references relevant case law that can be used to support a RICO claim, such as *United States v. Turkette* and *United States v. Bledsoe*, which discuss the characteristics of an enterprise and the continuity and structure required.

[Saine v. AIA, INC., 582 F.Supp. 1299 \(D. Colo. 1984\)](#)

U.S. District Court — District of Colorado

Extract

The civil remedies section of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961-1968 (RICO) provides for a private right of action for treble damages: 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... RICO does not by its terms prohibit only the acts of those associated with 'organized crime.' It was, however, the declared purpose of Congress to 'seek the eradication of organized crime in the United States.' See *United States v. Turkette*, 452 U.S. 576, 589, 101 S.Ct. 2524, 2531, 69

L.Ed.2d 246 (1981)... RICO is a very broad statute, see United States v. Turkette, 452 U.S. 576, 589, 101 S.Ct. 2524, 2531, 69 L.Ed.2d 246 (1981), which has become very popular with civil claimants as well as prosecutors.

Summary

Foundational understanding of the civil remedies available under RICO, specifically the provision for treble damages and the broad applicability of the statute beyond traditional organized crime. It references the case United States v. Turkette, which is significant in understanding the scope of RICO. This information is crucial for drafting a civil RICO complaint as it outlines the legal basis for seeking treble damages and highlights the broad applicability of RICO, which can be used to argue the existence of an enterprise and the continuity of racketeering activity.

[Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp. 3d 560 \(E.D. Va. 2020\)](#)

U.S. District Court — Eastern District of Virginia

Extract

Plaintiff alleges Civil RICO against 1st Advantage and John Doe, pursuant to 18 U.S.C. §§ 1961 et seq. ECF No. 11 at ¶¶ 257-269. Generally, the elements of a civil Racketeer Influenced and Corrupt Organizations Act (RICO) claim are (1) a person, (2) an enterprise, (3) a pattern of (4) racketeering activity (5) which causes injury to the plaintiff. 18 U.S.C.A. § 1962 (a, c). 'The injury and causation components [of element (5)] are viewed as standing requirements.' D'Addario v. Geller, 264 F.Supp.2d 367, at 396 (E.D. Va. 2003); see also, Williams v. Equity Holding Corp., 498 F. Supp. 2d 831, 840 (E.D. Va. 2007). The Supreme Court has explained that a civil RICO claim has four essential elements: '(1) conduct; (2) of an enterprise; (3) through a pattern; (4) of racketeering activity.' Whitney, Bradley & Brown, Inc. v. Kammermann, 436 F. App'x 257, 258 (4th Cir. 2011). 'Racketeering activity' includes mail and wire fraud. See 18 U.S.C.A. § 1961(1)(B).

Summary

Legal framework and references relevant case law that can be used to draft a civil RICO complaint.

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

Extract

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a

principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. ... (b) 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. ... (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. ... (d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

Summary

18 U.S.C. § 1962 outlines the prohibited activities under the RICO statute, which include using income derived from racketeering to invest in enterprises, acquiring or maintaining control of enterprises through racketeering, participating in the conduct of an enterprise's affairs through racketeering, and conspiring to commit any of these acts. This is directly relevant to drafting a civil RICO complaint as it provides the legal basis for alleging unlawful activities by the defendants.

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

Extract

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons. ...
(c) 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, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.

Summary

The passage from 18 U.S.C. § 1964 provides the legal framework for civil remedies under the RICO statute. It establishes that U.S. district courts have jurisdiction to issue orders to prevent and restrain RICO violations, including divestiture and dissolution of enterprises. It also allows individuals injured by RICO violations to sue for treble damages and recover costs, including attorney's fees. This is directly relevant to drafting a civil RICO complaint as it outlines the remedies available and the jurisdictional authority of the courts.

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

Extract

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; ... 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Summary

The passage provides definitions crucial for establishing a RICO claim, such as "racketeering activity," "enterprise," and "pattern of racketeering activity." These definitions are essential for drafting a civil RICO complaint as they outline the necessary elements to establish a RICO violation, including the types of activities that qualify as racketeering, the concept of an enterprise, and the requirement of a pattern of activity. This information is critical for demonstrating the existence of an enterprise, continuity, intent, and a common goal among defendants in a RICO case.

[18 U.S.C. § 1951 18 U.S.C. § 1951 Interference With Commerce By Threats Or Violence](#)

Extract

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything

in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

Summary

Legal basis for claims involving obstruction or interference with commerce, which can be used to demonstrate the existence of an enterprise and the continuity of illegal activities, both of which are necessary elements in a RICO complaint.

[18 U.S.C. § 1968](#) [18 U.S.C. § 1968 Civil Investigative Demand](#)

Extract

Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

Summary

The Attorney General has the authority to issue a civil investigative demand to gather documentary materials relevant to a racketeering investigation. This is pertinent to the question as it highlights a mechanism for obtaining evidence, such as text messages, financial records, and court documents, which are crucial for establishing the elements of a RICO complaint.

[18 U.S.C. § 1963](#) [18 U.S.C. § 1963 Criminal Penalties](#)

Extract

Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section.... The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

Summary

The passage from 18 U.S.C. § 1963 discusses the penalties and forfeiture provisions applicable to violations of section 1962, which is central to RICO cases. It highlights the court's authority to impose forfeiture of property and issue restraining orders or injunctions to preserve property for forfeiture.

This is relevant to a civil RICO complaint as it provides a legal basis for seeking injunctive relief and the forfeiture of assets obtained through racketeering activities. The passage also underscores the potential for the court to take actions to ensure that property remains available for forfeiture, which aligns with the request for injunctive relief in a civil RICO complaint.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

in United States v. Turkette,(135) the Second Circuit allows the government to prove the existence of an enterprise through proof establishing commission of the racketeering acts.(136) In addition, the Second Circuit noted that neither RICO's legislative history, nor the statute itself, indicate that Congress intended the two elements to be distinct.(137) In espousing this view, the Second Circuit relaxed the emphasis on continuity as an element in proving the existence of an enterprise, concluding that 'relatedness and continuity are attributes of activity, not of a RICO enterprise.'(138) The court later added, however, that '[e]vidence of relatedness and continuity, or the threat of continuity, may arise from ... the nature of the RICO enterprise itself.'(139) Other circuits also concluded that the government is not required to prove, by separate evidence, the existence of an enterprise and a pattern of racketeering activity.(140)

Summary

The Second Circuit in United States v. Turkette allows for the proof of an enterprise through the commission of racketeering acts. This interpretation suggests that the elements of an enterprise and racketeering activity are not distinct, and continuity is more about the activity than the enterprise itself. This is relevant for drafting a civil RICO complaint as it provides a legal basis for establishing an enterprise without needing separate evidence for each element.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or

wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce.

Summary

Detailed explanation of the elements required to establish a civil RICO claim under § 1962(c), which includes conduct, enterprise, pattern of racketeering activity, and injury. It emphasizes the necessity of pleading these elements with particularity, especially in cases involving fraud, and highlights the requirement for the enterprise's activities to affect interstate commerce. This information is crucial for drafting a civil RICO complaint as it outlines the legal framework and requirements that must be met.

[Corporate Criminal Liability: End It, Don't Mend It.](#)

The Journal of Corporation Law - University of Iowa Journal of Corporation Law - Smith, Stephen F. - 2022-06-22

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.' (18) Although, as used in federal law, the term 'persons' can be construed to encompass corporations and certain other legal entities depending on context, (19) RICO defines 'person' narrowly so as to exclude organized crime syndicates. (20) Congress thus recognized that the vital objective of eradicating organized crime could be fully accomplished by taking aim at those who commit the racketeering activities...

Summary

The passage provides insight into the application of RICO, specifically under subsection 1962(c), which is relevant for drafting a civil RICO complaint. It explains the liability imposed on individuals associated with RICO enterprises and the conduct of racketeering activities. This information is crucial for establishing the legal basis for a RICO complaint, as it outlines the elements required to prove a RICO violation, such as the existence of an enterprise and a pattern of racketeering activity. The passage also highlights the legislative intent behind RICO, which is to target individuals committing racketeering activities rather than the organizations themselves.

[**CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.**](#)

Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01

Extract

18 U.S.C. [section] 1961. Id. at (b)(1). See also 18 U.S.C. [section] 1961(1) (2018) (defining 'racketeering activity' under Racketeer Influenced and Corrupts Organizations (RICO) statute. RICO defines racketeering activity as 'Any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical... which is chargeable under State law and punishable by imprisonment for more than one year.' Id. at (1)(A). The statute also enumerates several other federal criminal statutes whose violation constitutes racketeering activity. Id. at (1)(B).

Summary

Foundational understanding of what constitutes racketeering activity under the RICO statute, which is essential for drafting a RICO complaint. It outlines the types of activities that can be considered racketeering, which is crucial for establishing the basis of a RICO claim.

[**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

Foundational understanding of the civil RICO statute, highlighting its dual role in addressing organized crime and providing civil remedies. It outlines the types of conduct that can lead to civil remedies under Section 1962 and emphasizes the liberal construction of RICO from the victim's perspective. The passage also notes the entitlement to treble damages and attorney fees for successful plaintiffs, which is crucial for drafting a complaint that seeks such remedies.

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

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

Extract

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

Summary

Detailed explanation of the "pattern of racketeering activity" element required under RICO. It explains that criminal conduct must form a pattern by having similar purposes, results, participants, victims, or methods of commission, and must not be isolated events. Additionally, it highlights the requirement of a "continuity" element, which can be either a closed period of repeated conduct or past conduct that suggests a threat of future repetition. This information is crucial for drafting a civil RICO complaint as it outlines the necessary elements to establish a pattern of racketeering activity, which is a key component of a RICO claim.

[Crimes](#)

The Florida Criminal Cases Notebook. Volume 1-2 - James Publishing - Joseph C. Bodiford - 2021-04-30

Extract

In a substantive Racketeer Influenced and Corrupt Organizations Act (RICO) prosecution, the five-year statute of limitations begins from the date of the last predicate act in which the defendant personally participated, not the date of the last predicate act committed by the enterprise as a whole. State must specifically plead a RICO conspiracy if it intends to charge a defendant accordingly. In a RICO conspiracy, the crime is premised not upon the commission of the predicate acts of racketeering, or even an agreement to commit predicate acts, but upon an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity. While the state may plead and prove a substantive RICO charge by establishing a pattern of racketeering activity that includes conspiracies to commit predicate acts, this does not convert a plainly pleaded substantive RICO charge into a RICO conspiracy. A conspiracy to commit predicate acts of racketeering is different in kind from a conspiracy to conduct the affairs of the enterprise through a pattern of racketeering activity. The former describes a method by which a substantive RICO can be charged and proven. The latter describes a RICO conspiracy offense.

Summary

The passage provides important information about the statute of limitations for RICO cases, which is crucial for drafting a complaint. It also clarifies the distinction between substantive RICO charges and RICO conspiracy charges, which is essential for properly framing the allegations in the complaint. This information is generally applicable to RICO cases and can be used to ensure that the complaint is properly structured and that the correct legal standards are applied.

[Santos v. Delta Airlines, Inc.](#)

USDOL Administrative Review Board Decisions

Extract

APPLYING THE MORRISON TEST TO CLAIMS ARISING UNDER THE RICO ACT... federal courts have applied the Morrison test to claims arising in non-transactional matters, and in particular, several courts have applied the Morrison test in cases arising under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962(c)... the challenge of applying Morrison in RICO cases stems from the difficulty in ascertaining where a RICO enterprise is located... the district court in Chevron Corp. took a different approach when considering a RICO claim that involved a scheme formulated predominantly by Americans to extort funds from Chevron Corp. (a U.S. Company) through 'a pattern of racketeering activity that included acts in the United States by Americans as well as acts in Ecuador by both Americans and Ecuadorians.'... the court found that 'the focus properly is on the pattern of racketeering activity and its consequences.'... RICO, 18 U.S.C. § 1962(c), prohibits 'any person employed by or associated with any

enterprise engaged in ... 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.'

Summary

The Morrison test is applied to RICO claims to determine their territoriality, focusing on the pattern of racketeering activity rather than the location of the enterprise. This is crucial for drafting a RICO complaint as it emphasizes the need to establish a pattern of racketeering activity and its impact, which aligns with the requirement to demonstrate an enterprise, continuity, intent, and a common goal among defendants.

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

Extract

Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-68, over 51 years ago with the intent to close the gap in the criminal prosecution of organized crime... Civil RICO actions are now ubiquitous, so much so that plaintiffs often attempt to apply the statute to situations that bear little resemblance to the criminal racketeering activity animating the enactment of the statute in the first place... 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... 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... Fourth, for most RICO claims, the plaintiff also must plead that the alleged 'person' and 'enterprise,' as defined in RICO, are distinct... Fifth, a RICO claim cannot exist without some nexus to interstate commerce... Finally, RICO has a four-year statute of limitations, which is triggered by the date a plaintiff discovered or should have discovered the purported criminal activity.

Summary

Detailed explanation of the elements required to establish a civil RICO claim, including the need to demonstrate an enterprise, a pattern of racketeering activity, and a nexus to interstate commerce. It also highlights the necessity of proving a qualifying criminal action and the distinctiveness between the person and the enterprise. These elements are crucial for

drafting a civil RICO complaint, as they outline the legal framework and requirements that must be met to successfully assert such a claim.

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

Extract

Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-68, over 51 years ago with the intent to close the gap in the criminal prosecution of organized crime. ... 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: ... Civil RICO claims are not limited to conduct traditionally associated with organized crime, but they certainly are not meant to apply to ordinary business disputes. ... 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. ... Fourth, for most RICO claims, the plaintiff also must plead that the alleged 'person' and 'enterprise,' as defined in RICO, are distinct. ... Fifth, a RICO claim cannot exist without some nexus to interstate commerce. ... Finally, RICO has a four-year statute of limitations, which is triggered by the date a plaintiff discovered or should have discovered the purported criminal activity.

Summary

Detailed explanation of the elements required to establish a civil RICO claim, including the existence of an enterprise, a pattern of racketeering activity, and the distinctiveness between the person and the enterprise. It also highlights the necessity of proving a qualifying criminal action, such as mail or wire fraud, and the requirement of a nexus to interstate commerce. Additionally, it mentions the four-year statute of limitations for RICO claims. This information is crucial for drafting a civil RICO complaint as it outlines the legal framework and requirements that must be met to successfully assert such a claim.

[Open Question: Use Of Stolen Trade Secrets May Or May Not Qualify As A Predicate Act Under RICO](#)

Extract

Summary

Trade secret misappropriation under the DTSA can be used as a predicate act to support civil RICO claims. This is relevant to establishing a pattern of racketeering activity, which is a necessary element of a RICO claim. The passage also outlines the elements required to state a civil RICO claim, which includes the existence of an enterprise, the defendant's association with the enterprise, and participation in a pattern of racketeering activity. This information is crucial for drafting a civil RICO complaint.

[Defending RICO Claims In The Business Context Part II: RICO Claims Must Allege Injury To Business Or Property](#)

Extract

In Part II, we describe one of the best tools businesses have in the toolkit—moving to dismiss a RICO claim because the plaintiff failed to allege that his purported injuries are sufficient to convey what is 'RICO standing.' Fortunately for defendants, the RICO standing requirement greatly restricts the types of claims that can survive a motion to dismiss. If a plaintiff brings a civil suit alleging a RICO violation, the plaintiff must plausibly allege that his injury animating the RICO claim is associated with his business or property by reason of the defendant's violation of the RICO laws. Absent these allegations, the lawsuit must be dismissed. RICO standing is distinct from the more well-known concept of constitutional standing. For RICO claims, in addition to pleading a sufficiently specific injury, including allegations that the plaintiff has suffered known damages (as opposed to mere speculative or unprovable damages), the plaintiff must allege that he suffered an injury to his business or property that bears some causal relationship to the alleged act or acts that violated RICO. This fundamental RICO requirement helps ensure that RICO is not expanded beyond its original intent.

Summary

The passage provides insight into the requirement for RICO standing, which is crucial for drafting a civil RICO complaint. It emphasizes that the plaintiff must allege a specific injury to business or property that is causally related to the defendant's RICO violation. This requirement is fundamental to ensure that RICO claims are not expanded beyond their original intent. The passage also distinguishes RICO standing from constitutional standing, highlighting the need for a concrete financial loss.

[Open Question: Use Of Stolen Trade Secrets May Or May Not Qualify As A Predicate Act Under RICO](#)

Extract

Summary

Trade secret misappropriation under the DTSA can be used as a predicate act to support civil RICO claims. This is relevant for establishing a pattern of racketeering activity, which is a necessary element of a civil RICO claim. The passage also outlines the elements required to state a civil RICO claim, which include the existence of an enterprise, the defendant's association with the enterprise, and participation in a pattern of racketeering activity. This information is essential for drafting a civil RICO complaint.

[RICO: A Primer](#)

Extract

The Racketeer Influenced and Corrupt Organizations Act ("RICO") was enacted in 1970. Although RICO provides for both civil remedies and criminal penalties, the number of civil RICO claims far outstrips the number of criminal RICO cases brought each year. RICO provides for a civil action against persons engaged in a "pattern of racketeering activity" or "collection of an unlawful debt." A successful plaintiff may recover treble damages, costs, and attorneys' fees. RICO is, however, an intricate, complex statutory regime with numerous potential pitfalls. Yet a civil RICO claim involves several standard, key issues. We address several of those fundamental issues below. What is "Racketeering activity"? The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, "racketeering activity" includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. ... Notably, there must be some nexus to interstate or foreign commerce—it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States. Who is a RICO "Person"? A RICO person "includes any individual or entity capable of holding a legal or beneficial interest in property." This definition defines those who can be charged under RICO. While the definition clearly includes a natural person, as well as a corporation, union, partnership and a sole proprietorship, it is not settled whether the definition encompasses a governmental entity. What is a RICO Enterprise? A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise. A RICO enterprise includes "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." Courts have interpreted "enterprise" broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. What is A RICO "Pattern"? A "pattern" may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479 , the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering.

Rather, proof of "continuity plus relationship" is necessary. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible concept of a pattern in mind. The Supreme Court has stated that: ... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either:

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

RICO Violations

There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of "enterprise" and a "pattern of racketeering activity".

Section 1962(a) ... Section 1962(b) is the least used of the four RICO subsections. Under section 1962(b), it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of an unlawful debt. To prove a violation of Section 1962(b), a plaintiff must prove the following elements:

- * Existence of an enterprise;
- * The enterprise engaged in, or its activities affected, interstate or foreign commerce;
- * The defendant acquired or maintained, directly or indirectly, an interest in or control of the enterprise;
- and *
- The defendant acquired or maintained the interest through a pattern of racketeering activity or through collection of an unlawful debt.

Courts have held that a plaintiff must allege a specific nexus between control of the named enterprise and the alleged racketeering activity.

Section 1962(c)

Subsection (c) is, far and away, the most often used and important substantive RICO provision. Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce; through a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt. To prove a violation of Section 1962(c), a plaintiff must prove the following elements:

- * Existence of an enterprise;
- * The enterprise engaged in, or its activities affected, interstate or foreign commerce;
- * The defendant was employed by or was associated with the enterprise;
- * The defendant conducted or participated, either directly or indirectly, in the conduct of the affairs of the enterprise;
- and *
- The defendant participated in the affairs of the enterprise through a pattern of racketeering activity or collection of unlawful debt.

Section 1962(d)

Summary

Comprehensive overview of the Racketeer Influenced and Corrupt Organizations Act (RICO), focusing on civil remedies. It explains the key elements required to establish a civil RICO claim, such as the existence of an enterprise, a pattern of racketeering activity, and the impact on interstate or foreign commerce. The passage also outlines the different types of RICO violations under Section 1962, including conducting the affairs of an enterprise through racketeering activity. This information is essential for drafting a civil RICO complaint, as it provides the legal framework and

elements that need to be proven. The passage also highlights the potential for treble damages, costs, and attorneys' fees, which are relevant to the relief sought in the complaint.

[RICO: A Primer](#)

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO) was enacted in 1970. Although RICO provides for both civil remedies and criminal penalties, the number of civil RICO claims far outstrips the number of criminal RICO cases brought each year. RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. RICO is, however, an intricate, complex statutory regime with numerous potential pitfalls. Yet a civil RICO claim involves several standard, key issues. We address several of those fundamental issues below. What is 'Racketeering activity'? The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States. Who is a RICO 'Person'? A RICO person 'includes any individual or entity capable of holding a legal or beneficial interest in property.' This definition defines those who can be charged under RICO. While the definition clearly includes a natural person, as well as a corporation, union, partnership and a sole proprietorship, it is not settled whether the definition encompasses a governmental entity. What is a RICO Enterprise? A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise. A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. What is A RICO 'Pattern'? A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible concept of a pattern in mind. There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a

'pattern of racketeering activity.' Section 1962(a) Under Section 1962(a), it is a violation to invest the proceeds of racketeering activity in an enterprise that affects interstate commerce. Section 1962(b) is the least used of the four RICO subsections. Under section 1962(b), it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of an unlawful debt. To prove a violation of Section 1962(b), a plaintiff must prove the following elements: * Existence of an enterprise; * The enterprise engaged in, or its activities affected, interstate or foreign commerce; * The defendant acquired or maintained, directly or indirectly, an interest in or control of the enterprise; and * The defendant acquired or maintained the interest through a pattern of racketeering activity or through collection of an unlawful debt. Courts have held that a plaintiff must allege a specific nexus between control of the named enterprise and the alleged racketeering activity. Section 1962(c) Subsection (c) is, far and away, the most often used and important substantive RICO provision. Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt. To prove a violation of Section 1962(c), a plaintiff must prove the following elements: * Existence of an enterprise; * The enterprise engaged in, or its activities affected, interstate or foreign commerce; * The defendant was employed by or was associated with the enterprise; * The defendant conducted or participated, either directly or indirectly, in the conduct of the affairs of the enterprise; and * The defendant participated in the affairs of the enterprise through a pattern of racketeering activity or collection of unlawful debt.

Summary

Comprehensive overview of the Racketeer Influenced and Corrupt Organizations Act (RICO), focusing on civil claims. It outlines the key elements required to establish a civil RICO claim, including the existence of an enterprise, a pattern of racketeering activity, and the impact on interstate or foreign commerce. The passage also explains the different sections of RICO, particularly Section 1962, which details the various violations and the necessary elements to prove each. This information is crucial for drafting a civil RICO complaint, as it provides the legal framework and requirements that must be met to establish a claim. The passage also highlights the potential remedies available under RICO, such as treble damages, costs, and attorneys' fees, which are relevant to the question's request for treble damages and injunctive relief.

This memo was compiled by Vincent AI based on vLex materials available as of June 13, 2025. [View full answer on vLex](#)