

# **Question**

The mother, stepfather (Dan Branthoover), and grandparents acted in concert to achieve a common purpose: to secure an advantage in divorce proceedings by gaining the house and custody of the children. An "enterprise" under RICO includes any group of individuals associated together for a common purpose, whether formal or informal, as long as they function as a continuing unit. (18 U.S.C. § 1961(4)). The coordinated actions of the mother, stepfather, and grandparents to influence legal proceedings and divest Charles of his property and custody could constitute an association-in-fact enterprise under RICO.

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

## **Short response**

Based on the provided legal sources, the coordinated actions of the mother, stepfather, and grandparents to secure an advantage in divorce proceedings could constitute an association-in-fact enterprise under RICO if they functioned as an ongoing organization with a common purpose. To establish a RICO enterprise, there must be evidence of a common purpose among the participants, relationships between them, and sufficient longevity to accomplish their objective of influencing legal proceedings and divesting Charles of his property and custody.

## **Summary**

An "enterprise" under the [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) is broadly defined to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity" ([18 U.S.C. § 1961](#)(4)). Supreme Court precedent has established that an association-in-fact enterprise requires evidence of a common purpose among participants, relationships between associates, and sufficient longevity to permit these associates to pursue the enterprise's purpose. The coordinated actions of the mother, stepfather (Dan Branthoover), and grandparents to secure an advantage in divorce proceedings by gaining the house and custody of children could satisfy these criteria if they functioned as a continuing unit with sufficient structure and organization.

To establish a RICO claim based on this enterprise theory, beyond proving the existence of an enterprise, there would also need to be evidence of a pattern of racketeering activity through which the enterprise conducted its affairs. This requires showing at least two acts of racketeering within a ten-year period that are related and continuous. If these elements can be established, the coordinated actions of these family members could potentially form the basis of a RICO claim, particularly if their actions were

designed to divest Charles of his property and custody rights through improper means.

## Background and Relevant Law

### Legislation: RICO Statutory Framework

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides the statutory framework for establishing an association-in-fact enterprise. Under [18 U.S.C. § 1961](#)(4), an "enterprise" is defined to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." This definition is intentionally broad and encompasses both legitimate and illegitimate organizations.

[18 U.S.C. § 1962](#) outlines the prohibited activities under RICO, making it 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." Additionally, it prohibits any person "employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." The statute also prohibits conspiracy to violate these provisions.

### Case Law: Defining "Enterprise" Under RICO

The Supreme Court's decision in [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) is seminal in defining what constitutes an "enterprise" under RICO. In [Turkette](#), the Court explained that an enterprise is "an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." The Court further clarified that an enterprise "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

It is important to note that [United States v. Turkette](#) was abrogated by [United States v. Lane, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 \(1986\)](#). However, the abrogation pertained to issues related to joinder of offenses and defendants, not to [Turkette](#)'s definition of "enterprise" under RICO. Therefore, [Turkette](#)'s interpretation of what constitutes an enterprise remains valid and continues to be cited as authoritative on this specific point.

Building upon [Turkette](#), the Supreme Court in [Boyle v. United States, 556 U.S. 938, 129 S.Ct. 2237, 173 L.Ed.2d 1265 \(2009\)](#) clarified that an association-in-fact enterprise must possess three structural features: "(1) a purpose; (2) relationships among those associated with the enterprise; (3) longevity sufficient to permit these associates to pursue the enterprise's

purpose." The Court emphasized the liberal construction of the term "enterprise" in light of RICO's broad statement that it "includes any ... group of individuals associated in fact although not a legal entity" and the requirement that RICO be "liberally construed to effectuate its remedial purposes."

In [U.S. v. Cauble, 706 F.2d 1322 \(5th Cir. 1983\)](#), the Fifth Circuit reiterated the Supreme Court's definition from [Turkette](#), stating that "the existence of an enterprise 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'" This further reinforces the understanding that an association-in-fact enterprise can be established through evidence of coordination and continuity among its participants.

The district court in [M.W. Widoff, P.C. v. Encompass Ins. Co. of America](#), Case No. 10 C 8159 (N.D. Ill. Mar. 02, 2012) synthesized the requirements for establishing an association-in-fact enterprise, noting that a plaintiff must allege that an organization, whether formal or informal, functions as a continuing unit. The court referenced the three structural features identified in Boyle: purpose, relationships among associates, and sufficient longevity to pursue the enterprise's purpose.

Similarly, in [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#), the court elaborated on the criteria for establishing a RICO enterprise: "(1) there is an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis; (2) that the various associates function as a continuing unit, that is that each individual component perform a role consistent within the organized structure, which furthers the activities of the organization; and (3) that the enterprise is separate and distinct from but not necessarily wholly unrelated to, the pattern of activity in which it engages."

The district court in [Allstate Ins. Co. v. AM Pugh Associates, Inc., 604 F. Supp. 85 \(M.D. Pa. 1984\)](#) noted that the majority of courts, liberally construing the RICO statute, have found an enterprise to exist "where a group of individuals are associated solely because they jointly commit the predicate racketeering offenses under RICO." This interpretation suggests that the threshold for establishing an association-in-fact enterprise may be relatively low.

More recently, in [Wacker Drive Exec. Suites, LLC v. Jones Lang LaSalle Ams. \(Ill.\), LP, Case No. 18-CV-5492 \(N.D. Ill. May 28, 2019\)](#), the court found sufficient allegations of an association-in-fact enterprise where the plaintiff alleged "regular communication and coordinated action" between the defendants "to carry out the enterprise's...goal." This case demonstrates that evidence of communication and coordination among participants can support the inference of an association-in-fact enterprise.

## **Secondary Materials: Scholarly Interpretation of RICO Enterprises**

Secondary sources provide additional clarity on the requirements for establishing a RICO enterprise. According to [Civil Rico: A Tool of Advocacy](#) (2024), a RICO enterprise is defined as a "structured group of individuals associated for a common purpose." This source also outlines the elements required to establish a § 1962(c) RICO claim: an enterprise, a pattern of racketeering activity, conduct through racketeering, and an injury to business or property.

RICO: A Primer (2022) emphasizes that courts have interpreted the term "enterprise" broadly to include both legitimate and illegitimate enterprises, noting that the statutory list is "not exhaustive but merely illustrative." This broad interpretation supports the potential application of RICO to family members acting in concert during divorce proceedings.

[Racketeer influenced and corrupt organizations](#) (2011) explains that for RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its constituents must have a common or shared purpose, and it must have some continuity of structure or personnel. It also notes that in [Boyle v. United States](#), the Supreme Court clarified that RICO association-in-fact enterprises need not have "an ascertainable structure beyond that inherent in the pattern of racketeering activity."

[Racketeer influenced and corrupt organizations](#) (2010) states that informal relationships among entities may suffice to create an "associated-in-fact" enterprise, and that such an enterprise requires a shared purpose, continuity, and unity. According to this source, "any type of association can satisfy the enterprise element as long as it meets this definition."

Similarly, [Racketeer influenced and corrupt organizations](#) (2000) identifies three characteristics required for a RICO enterprise: "(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering."

[RICO - the rejection of an economic motive requirement](#) (1995) highlights that the Supreme Court has established that an enterprise does not require an economic motive, which broadens the potential application of RICO to various types of associations, including those formed for purposes related to divorce proceedings.

## **Analysis: Application to the Mother, Stepfather, and Grandparents**

### **Establishing an Association-in-Fact Enterprise**

Based on the legal framework outlined above, the coordinated actions of the mother, stepfather (Dan Branthover), and grandparents could constitute an

association-in-fact enterprise under RICO if they satisfy the criteria established by the Supreme Court and elaborated upon by lower courts.

First, according to [Boyle v. United States, 556 U.S. 938, 129 S.Ct. 2237, 173 L.Ed.2d 1265 \(2009\)](#), an association-in-fact enterprise must have a purpose. In this case, the alleged common purpose is "to secure an advantage in divorce proceedings by gaining the house and custody of the children." This clear objective satisfies the purpose requirement, as it represents a shared goal among the participants.

Second, there must be relationships among those associated with the enterprise. The familial relationships between the mother, stepfather, and grandparents establish a natural connection, but more importantly, their alleged coordination to influence legal proceedings suggests a structured relationship beyond mere family ties. As noted in [Wacker Drive Exec. Suites, LLC v. Jones Lang LaSalle Ams. \(Ill.\), LP, Case No. 18-CV-5492 \(N.D. Ill. May 28, 2019\)](#), "regular communication and coordinated action" can support the inference of an association-in-fact enterprise. If evidence exists of communication and coordination among these family members regarding strategies to gain advantages in the divorce proceedings, this would support the relationship element.

Third, there must be longevity sufficient to permit these associates to pursue the enterprise's purpose. Divorce proceedings often extend over a significant period, and if the mother, stepfather, and grandparents maintained their coordinated efforts throughout this time, this would likely satisfy the longevity requirement. The ongoing nature of divorce proceedings, coupled with the sustained effort to secure custody and property rights, suggests a level of continuity that could meet this threshold.

Furthermore, according to [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#), a RICO enterprise requires "an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis." If the mother, stepfather, and grandparents established methods for coordinating their actions, making decisions about strategies in the divorce proceedings, and maintaining their collective effort over time, this would support the finding of an enterprise structure.

It is important to note that, as clarified in [Boyle v. United States, 556 U.S. 938, 129 S.Ct. 2237, 173 L.Ed.2d 1265 \(2009\)](#), an association-in-fact enterprise does not need to have "an ascertainable structure beyond that inherent in the pattern of racketeering activity." This means that the structure can be inferred from the pattern of activities undertaken by the participants. If the mother, stepfather, and grandparents engaged in a coordinated pattern of activities aimed at securing advantages in the divorce proceedings, this pattern itself could evidence the structure necessary for an enterprise.

## **Pattern of Racketeering Activity**

While the focus of the question is on whether the coordinated actions of the family members could constitute an enterprise, it is worth noting that establishing a RICO claim would also require evidence of a pattern of racketeering activity. According to [Civil Rico: A Tool of Advocacy](#) (2024), this requires proving "at least two acts of racketeering, as specified within the statute, within 10 years."

RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022) explains that a pattern of racketeering activity requires 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." It also 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."

Therefore, to establish a RICO claim based on the enterprise formed by the mother, stepfather, and grandparents, there would need to be evidence of at least two acts of racketeering activity (as defined by the statute) that are related and continuous, and through which the enterprise conducted its affairs. These acts would need to be among those specifically enumerated in [18 U.S.C. § 1961\(1\)](#) as "racketeering activity."

## **Distinctness from Pattern of Racketeering Activity**

Some courts have required that a RICO enterprise be distinct from the pattern of racketeering activity. For instance, [Racketeer influenced and corrupt organizations](#) (2000) states that "the basic hallmark of an enterprise for RICO purposes is that it must contain some structure distinct from the pattern of racketeering activity that is identified in the charge."

However, as noted earlier, the Supreme Court in [Boyle v. United States, 556 U.S. 938, 129 S.Ct. 2237, 173 L.Ed.2d 1265 \(2009\)](#) clarified that an association-in-fact enterprise need not have "an ascertainable structure beyond that inherent in the pattern of racketeering activity." This suggests that the distinctness requirement should not be interpreted too rigidly.

In the context of the mother, stepfather, and grandparents, their family relationships and alleged coordination to influence divorce proceedings could provide sufficient structure to distinguish the enterprise from the specific acts of racketeering, if any such acts can be proven.

## **Exceptions and Caveats**

### **Interstate Commerce Requirement**

One important limitation on RICO claims is the requirement that the enterprise be engaged in, or its activities affect, interstate or foreign commerce. [18 U.S.C. § 1962](#) explicitly includes this jurisdictional element. In a domestic dispute like a divorce proceeding, it might be challenging to

establish a sufficient nexus to interstate commerce. However, if the divorce proceedings involved property in multiple states, financial transactions across state lines, or other interstate elements, this requirement might be satisfied.

## **Proving Racketeering Activity**

As mentioned earlier, establishing a RICO claim requires proving a pattern of racketeering activity, which must consist of acts specifically enumerated in [18 U.S.C. § 1961\(1\)](#). These include a variety of criminal offenses such as mail fraud, wire fraud, and extortion, among others. In the context of divorce proceedings, it might be challenging to establish that the actions of the mother, stepfather, and grandparents constituted such enumerated crimes, even if their coordinated efforts could be characterized as an enterprise.

## **Standing and Injury Requirements**

According to [Civil Rico: A Tool of Advocacy](#) (2024), "a plaintiff only has standing to sue if they have been injured in their business or property by conduct constituting the violation." This means that Charles would need to show that he suffered a concrete injury to his business or property as a result of the alleged RICO violation. While loss of property in divorce proceedings might satisfy this requirement, the nexus between that loss and any alleged racketeering activity would need to be established.

## **Conclusion**

Based on the legal authorities reviewed, the coordinated actions of the mother, stepfather (Dan Branthoover), and grandparents to secure an advantage in divorce proceedings by gaining the house and custody of the children could potentially constitute an association-in-fact enterprise under RICO. This conclusion is supported by the broad definition of "enterprise" under [18 U.S.C. § 1961\(4\)](#) and the interpretations provided by Supreme Court cases such as [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) and [Boyle v. United States, 556 U.S. 938, 129 S.Ct. 2237, 173 L.Ed.2d 1265 \(2009\)](#).

To establish such an enterprise, there would need to be evidence of a common purpose among the participants (which appears to be present in the desire to secure advantages in the divorce proceedings), relationships between the associates (which include both familial relationships and coordination in their actions), and sufficient longevity to permit these associates to pursue the enterprise's purpose (which may be evidenced by ongoing efforts throughout the divorce proceedings).

However, establishing a RICO claim would require more than just proving the existence of an enterprise. There would also need to be evidence of a pattern of racketeering activity, consisting of at least two acts of racketeering as defined by the statute, through which the enterprise conducted its affairs. Additionally, the enterprise's activities would need to

affect interstate commerce, and Charles would need to demonstrate an injury to his business or property resulting from the alleged RICO violation.

While the family members' coordinated actions to influence legal proceedings and divest Charles of his property and custody could theoretically fit within the framework of a RICO enterprise, the success of such a claim would ultimately depend on specific facts not provided in the question, particularly regarding the nature of the alleged racketeering activity and its connection to interstate commerce. Nevertheless, the broad definition of "enterprise" under RICO and the liberal construction mandated by the statute suggest that such a theory could be viable under the right circumstances.

## **Legal Authorities**

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

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

#### **Extract**

In light of RICO's broad statement that an enterprise 'includes any ... group of individuals associated in fact although not a legal entity' § 1961(4), and the requirement that RICO be 'liberally construed to effectuate its remedial purposes,' note following § 1961, Turkette explained that 'enterprise' reaches 'a group of persons associated together for a common purpose of engaging in a course of conduct,' 452 U.S., at 583, 101 S.Ct. 2524, and 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Ibid.

#### **Summary**

The passage from "Boyle v. United States" clarifies that an "enterprise" under RICO can include any group of individuals associated in fact, even if not a legal entity. It emphasizes that such an enterprise is characterized by a common purpose and the functioning of its members as a continuing unit. This interpretation supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO, as they allegedly acted together to achieve a common purpose in the divorce proceedings.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#)

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

## **Extract**

The term 'enterprise' is defined in 18 U.S.C. § 1961(4) as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. ... The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.

## **Summary**

An "enterprise" can be any group of persons associated together for a common purpose, functioning as a continuing unit. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an "enterprise" under RICO if they acted together for a common purpose, such as influencing legal proceedings to gain an advantage in divorce proceedings.

[Wacker Drive Exec. Suites, LLC v. Jones Lang LaSalle Ams. \(Ill.\), LP, Case No. 18-CV-5492 \(N.D. Ill. May 28, 2019\)](#)

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

## **Extract**

WDES defines the enterprise an association-in-fact consisting of JLL and the Unions which has a common purpose of forcing union-only labor on commercial tenants in buildings managed by JLL. Cmplt. ¶¶ 54, 55. WDES alleges several facts permitting a reasonable inference that JLL and the Unions involved themselves in the affairs of the other and worked as a distinct enterprise rather than as completely separate entities in implementing the union only rule at JLL managed buildings. For example, WDES alleges regular communication and coordinated action between JLL and the Unions to carry out the enterprise's union-only goal.

## **Summary**

The passage describes how an association-in-fact enterprise can be formed when separate entities work together with a common purpose, involving regular communication and coordinated actions. This aligns with the proposition that the mother, stepfather, and grandparents could form an association-in-fact enterprise under RICO if they acted in concert to achieve a common purpose, such as influencing legal proceedings to gain an advantage in divorce proceedings.

[U.S. v. Cauble, 706 F.2d 1322 \(5th Cir. 1983\)](#)

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

#### **Extract**

The statute states: '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." ... "In Turkette, the Supreme Court held that the existence of an enterprise 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

#### **Summary**

An "enterprise" under RICO can include any group of individuals associated together for a common purpose, whether formal or informal. The passage from "U.S. v. Cauble" supports the idea that an association-in-fact enterprise can be established by showing an ongoing organization where associates function as a continuing unit. This aligns with the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute such an enterprise under RICO.

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

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

#### **Extract**

A RICO enterprise based on an association-in-fact theory is 'a group of persons associated together for a common purpose of engaging in a course of conduct,' the existence of which is 'proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981). We look to the 'hierarchy, organization and activities' to determine whether an alleged association 'functioned as a unit.'

#### **Summary**

A RICO enterprise can be established by demonstrating a group of individuals associated for a common purpose, with evidence of an ongoing organization, whether formal or informal, and that they function as a continuing unit. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO if they acted together with a common purpose to influence legal proceedings and divest Charles of his property and custody.

[M.W. Widoff, P.C. v. Encompass Ins. Co. of America, Case No. 10 C 8159 \(N.D. Ill. Mar 02, 2012\)](#)

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

### **Extract**

A RICO enterprise may be a legal entity or an extra-legal association in fact. *United States v. Turkette*, 452 U.S. 576, 583, 101, S.Ct. 2524, 69 L.Ed.2d 246 (1981). An enterprise is an 'entity' or in other words 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Id. To properly plead an association in fact, a plaintiff must allege that an organization, formal or informal, that functions as a continuing unit. *Turkette*, 452 U.S. at 583. Recently, the Supreme Court has identified the three structural features of an association in fact for which a plaintiff must provide sufficient factual allegations such that it is plausible to infer that the enterprise existed: (1) a purpose; (2) relationships among those associated with the enterprise; (3) longevity sufficient to permit these associates to pursue the enterprise's purpose. *Boyle v. United States*, 556 U.S. 938, —, 129 S.Ct. 2237, 2244, 173 L.Ed.2d 1265 (2009).

### **Summary**

Requirements for establishing such an enterprise, including a common purpose, relationships among the associates, and longevity to pursue the enterprise's purpose. This directly supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO, as they acted together for a common purpose in the divorce proceedings.

[Allstate Ins. Co. v. AM Pugh Associates, Inc., 604 F. Supp. 85 \(M.D. Pa. 1984\)](#)

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

### **Extract**

An enterprise is defined as 'any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). The majority of courts, liberally construing the RICO statute, have found an enterprise to exist 'where a group of individuals are associated solely because they jointly commit the predicate racketeering offenses under RICO.'

### **Summary**

The definition of an "enterprise" under RICO includes any group of individuals associated in fact, even if not a legal entity. The passage highlights that courts have found an enterprise to exist when individuals are

associated for the purpose of committing predicate racketeering offenses. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an "enterprise" under RICO if they acted together to influence legal proceedings and divest Charles of his property and custody.

[Bennett v. Berg, 685 F.2d 1053 \(8th Cir. 1981\)](#)

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

#### **Extract**

An 'enterprise' is defined by RICO to include any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity(.) 18 U.S.C. § 1961(4). The RICO Act encompasses two kinds of enterprises: legal entities, and 'associations in fact.' United States v. Turkette, 452 U.S. 576, 581-82, 101 S.Ct. 2524, 2527-28, 69 L.Ed.2d 246 (1981).

#### **Summary**

RICO defines an "enterprise" broadly to include any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an "association-in-fact" enterprise under RICO, as they acted together for a common purpose.

[Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#)

### **U.S. District Court — District of New Jersey**

#### **Extract**

To establish the existence of a RICO enterprise, plaintiff must prove (1) there is an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis; (2) that the various associates function as a continuing unit, that is that each individual component perform a role consistent within the organized structure, which furthers the activities of the organization; and (3) that the enterprise is separate and distinct from but not necessarily wholly unrelated to, the pattern of activity in which it engages, but has an existence beyond that which is necessary to merely commit each of the acts charged as predicate offenses.

## **Summary**

Criteria for establishing a RICO enterprise, which includes having an ongoing organization with a decision-making structure, functioning as a continuing unit, and being distinct from the pattern of racketeering activity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO if they meet these criteria.

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

#### **Extract**

"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;

#### **Summary**

The passage defines "enterprise" under RICO as including any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an "enterprise" under RICO, as they are a group of individuals associated together for a common purpose, which is to influence legal proceedings and gain an advantage in divorce proceedings.

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

#### **Extract**

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

#### **Summary**

The RICO statute makes it unlawful for individuals to engage in a pattern of racketeering activity to acquire or maintain control over an enterprise. The statute also prohibits individuals associated with an enterprise from conducting its affairs through racketeering. Additionally, it is unlawful to

conspire to violate these provisions. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be seen as forming an "enterprise" under RICO if they engaged in a pattern of racketeering activity to influence legal proceedings and divest Charles of his property and custody.

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

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

**Extract**

RICO requires that the enterprise have an economic motive, the Court defined enterprise as 'an entity,... a group of persons associated together for a common purpose of engaging in a course of conduct,' which does not require an economic motive. Thus, the Court established precedent for a liberal reading of RICO, and specifically the term 'enterprise.'

**Summary**

The definition of "enterprise" under RICO does not require an economic motive. This broad interpretation allows for the inclusion of groups of individuals associated for a common purpose, even if that purpose is not economic. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO, as their common purpose was to influence legal proceedings and gain an advantage in divorce proceedings.

[Racketeer influenced and corrupt organizations.](#)

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

**Extract**

RICO 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... A RICO enterprise is 'a group of persons associated together for a common purpose in a course of conduct.'... A RICO enterprise must exhibit three basic characteristics: (1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that in a pattern of racketeering.'

## **Summary**

Definition of a RICO enterprise, which includes any group of individuals associated together for a common purpose, whether formal or informal. It also outlines the characteristics required for a RICO enterprise: a common purpose, continuity of structure and personnel, and an ascertainable structure. These elements align with the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO, as they acted together for a common purpose in a structured manner.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

Various federal courts of appeals have identified some general attributes an 'enterprise' should possess. An enterprise should have a common purpose among its participants, an organizational structure, and a continuity of existence. The Supreme Court has held that the enterprise does not need to have an economic motive. Courts have found individuals, private businesses, sole proprietorships, foreign and domestic corporations, labor organizations, government agencies, and other 'associations-in-fact,' to be enterprises.

## **Summary**

An "enterprise" under RICO can include any group of individuals associated together for a common purpose, whether formal or informal, as long as they function as a continuing unit. The passage highlights that an enterprise should have a common purpose, an organizational structure, and continuity of existence, and it does not need to have an economic motive. This aligns with the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

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.'... The basic hallmark of an enterprise for RICO purposes is that it must contain some structure distinct

from the pattern of racketeering activity that is identified in the charge, its groups must have a common or shared purpose, and there must be at least some continuity of structure or personnel... A more specific definition requires that a RICO enterprise exhibit three characteristics: '(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.'

## **Summary**

Requirements for an enterprise, including a common purpose, continuity of structure and personnel, and a structure distinct from the racketeering activity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be seen as an association-in-fact enterprise under RICO, as they acted with a common purpose and continuity to influence legal proceedings.

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

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

## **Extract**

Informal relationships among entities may suffice to create an 'associated-in-fact' enterprises. (95) The grouping of entities may be a legal or illegal association. (96) In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. (97) ... According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. (111)

## **Summary**

RICO's definition of an "enterprise" is broad and can include informal associations of individuals who share a common purpose and function as a continuing unit. The passage highlights that such associations do not need to have an economic motive or legitimate business status, and the Supreme Court has recognized that any type of association can meet the enterprise element if it has a shared purpose, continuity, and unity.

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

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

## **Extract**

For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its constituents must have a common or shared purpose, and it must have some continuity of structure or personnel. To constitute an enterprise, a group must have a mechanism for directing the affairs of the group on an ongoing, rather than ad hoc, basis... In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity... Recently, in Boyle v. United States, the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.'

## **Summary**

For a group to be considered an "enterprise" under RICO, it must have a common purpose, continuity, and unity. The Supreme Court has clarified that an association-in-fact does not need a formal structure beyond the pattern of racketeering activity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be seen as an association-in-fact enterprise under RICO, as they acted with a shared purpose to influence legal proceedings.

### Racketeer influenced and corrupt organizations.

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

## **Extract**

Prosecutors prove the existence of an enterprise 'by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'(117) The circuits, however, disagree 'as to the scope of an association-in-fact enterprise. Thus, they have taken differing positions on the degree of proof necessary to establish the existence of an enterprise that is sufficiently distinct and separate from the underlying pattern of racketeering.'(118)

## **Summary**

To establish a RICO enterprise, there must be evidence of an ongoing organization, whether formal or informal, and that the associates function as a continuing unit. This aligns with the proposition that the coordinated actions of the mother, stepfather, and grandparents could be seen as an association-in-fact enterprise under RICO, as they acted together for a common purpose.

### Racketeer Influenced and Corrupt Organizations Act.

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

**Extract**

A recurring issue is the type and sufficiency of proof the government must offer to establish the existence of a RICO enterprise. Although the circuits have not adopted a uniform definition of enterprise, they do require that the charged RICO enterprise, in order to distinguish it from a conspiracy, have some structure. A more specific definition requires that a RICO enterprise exhibit three characteristics: '(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.' When a 'legal' entity is the enterprise under consideration, 'there is little difficulty in proving the existence of the enterprise. Proof that the entity in question has a legal existence satisfies the enterprise element.' In contrast, proving the existence of an association-in-fact enterprise requires showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.'

**Summary**

Characteristics required for a RICO enterprise, which include a common purpose, continuity of structure and personnel, and an ascertainable structure. These elements align with the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

**Extract**

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.' (75) ... For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its constituents must have a common or shared purpose, and it must have some continuity of structure or personnel. To constitute an enterprise, a group must have a mechanism for directing the affairs of the group on an ongoing, rather than an ad hoc, basis. (77) ... When the enterprise is an association-in-fact without a legal existence, the government must make the more difficult showing that the constituent entities 'associated together for a common purpose of engaging in a course of conduct.' (107)

## **Summary**

Definition of an "enterprise" under RICO, which includes any group of individuals associated together for a common purpose, whether formal or informal. It also outlines the requirements for an enterprise to exist independently from the racketeering activity, have a common purpose, and have continuity of structure or personnel. The passage further explains that an association-in-fact enterprise must show that its constituents associated together for a common purpose of engaging in a course of conduct.

[Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO.](#)

**American Criminal Law Review - Georgetown University Law Center - Blakey, G. Robert - 1996-01-01**

### **Extract**

The concept of the 'enterprise' was selected by Congress when it enacted RICO because it desired to use 'terms and concepts of breadth.' Indeed, the statute itself broadly describes '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.' Thus, any legal entity may be an enterprise, and any group of persons--in any combination of natural and legal persons--may also constitute an enterprise, even though it is not a legal entity, by being an association-in-fact. The definition of 'enterprise,' includes licit... The Concept of an Association-in-fact: In United States v. Turkette, the Supreme Court's seminal association-in-fact decision, the Court observed: '[under RICO, the] enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct ....' The circuit courts of appeals are in conflict on the meaning of this sentence. Understanding that conflict requires looking at decisions before Turkette. Decisions prior to Turkette reflected little difficulty in finding that an association-in-fact existed.

## **Summary**

The definition of "enterprise" under RICO is intentionally broad, encompassing any group of individuals associated in fact for a common purpose, whether or not they form a legal entity. The Supreme Court's decision in United States v. Turkette supports the idea that an association-in-fact can exist when individuals are associated together for a common purpose of engaging in a course of conduct. This aligns with the proposition that the coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO.

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

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

### **Extract**

A plaintiff only has standing to sue if they have been injured in their business or property by conduct constituting the violation. To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.
- Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering.
- Injury: An injury to business or property due to the racketeering activity.

### **Summary**

A civil RICO claim requires proving an enterprise, a pattern of racketeering activity, conduct through racketeering, and an injury to business or property. The passage supports the proposition by explaining that an "enterprise" can be any structured group of individuals associated for a common purpose, which aligns with the idea that the mother, stepfather, and grandparents could form an association-in-fact enterprise under RICO.

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

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

### **Extract**

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

### **Summary**

The passage explains the requirements for establishing a "pattern of racketeering activity" under RICO, which includes criminal acts that are interrelated by purpose, participants, or methods, and are not isolated events. It also emphasizes the need for a "relationship" and "continuity" element, which can be demonstrated by repeated conduct or conduct that poses a threat of future repetition. This supports the proposition that the

coordinated actions of the mother, stepfather, and grandparents could constitute an association-in-fact enterprise under RICO if their actions were interrelated and continuous.

## [RICO: A Primer](#)

### **Extract**

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.

### **Summary**

The definition of a RICO enterprise is broad and includes any group of individuals associated in fact, even if they are not a legal entity. This supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an association-in-fact enterprise under RICO, as they acted together for a common purpose.

## [RICO: A Primer](#)

### **Extract**

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.

### **Summary**

The passage explains that a RICO enterprise can include any group of individuals associated in fact, even if they are not a legal entity. This broad interpretation supports the proposition that the coordinated actions of the mother, stepfather, and grandparents could be considered an association-in-fact enterprise under RICO, as they acted together for a common purpose.