

Question

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CHARLES DUSTIN MYERS, Plaintiff, v. DANIEL KENNETH BRANTHOOVER & MORGAN MICHELLE MYERS Defendants § § § § Civil No.: 5:24-cv-01311 § § § § FIRST AMENDED COMPLAINT Plaintiff Charles Dustin Myers, representing himself pro-se and proceeding in forma pauperis respectfully files this First Amended Complaint against Daniel Kenneth Branthoover and Morgan Michelle Myers. The original complaint filed on December 16, 2024, is respectfully amended to incorporate Morgan Michelle Myers as an additional defendant and Plaintiff has provided this Court with the necessary materials to effectuate service prior to the July 11 deadline, as extended by this court pursuant to its' recent order issued on June 11, 2025. See Doc 15. In support of this amended complaint, Plaintiff alleges the following: II. JURISDICTION AND VENUE 1. This Honorable Court possesses subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as Plaintiff's claims arise under the laws of the United States, specifically the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c) and § 1964(d), which explicitly grants federal courts jurisdiction over civil RICO actions. Further, jurisdiction is established under 18 U.S.C. § 1965, which provides for nationwide service of process and jurisdiction in RICO actions, thereby ensuring that all Defendants, regardless of their physical location within the United States, are subject to the jurisdiction of this Court. 2. Venue is proper in the United States District Court for the Western District of Oklahoma pursuant to 18 U.S.C. § 1965(a) and 28 U.S.C. § 1391(b). A substantial part of the events or omissions giving rise to the claims asserted herein occurred within this District. 3. Additionally, "any person injured in his business or property by reason of a violation of section 1962...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. Plaintiff alleges a direct injury to his business and property as a result from the alleged predicate acts herein. III. PARTIES A. Identification 4. Plaintiff Charles Dustin Myers, referred to herein as "Plaintiff", is a natural person and a resident of the State of Texas and is legally domiciled in Tarrant County. 5. Defendant Daniel Kenneth Branthoover, referred to herein as "Branthoover", is a natural person and a resident of the state of Oklahoma and is domiciled in Canadian County. 6. Defendant Morgan Michelle Myers, referred to herein as "Myers", is a natural person, and a resident of the State of Texas and is legally domiciled in Tarrant County. 7. Collectively, Branthoover and Myers are referred to herein as "the Defendants". B. Relationships 8. Myers and Plaintiff are legally married spouses of ten years. 9. Branthoover is the stepfather of Myers. C. Representation 10. Plaintiff is representing himself in this matter. 11. Myers is believed to be self-represented at this time. 12. Branthoover is believed to be self-represented at this time. IV. INTRODUCTION 13. This action exposes a breathtaking betrayal of trust and systematic abuse of judicial process that shocks the conscience. Defendants orchestrated an interstate racketeering enterprise with four criminal objectives designed to destroy Plaintiff's life: (1) the calculated theft of Plaintiff's constitutionally protected property rights; (2)

the deliberate corruption of Texas courts through perjury and fabricated evidence; (3) the procurement of fraudulent advantages in divorce proceedings through judicial deception; and (4) the concealment of their crimes to ensure permanent deprivation of Plaintiff's rights and livelihood by obtaining a final decree of divorce. 14. The enterprise's methods reveal a level of premeditation and malice that defies comprehension. Defendants weaponized the judicial system itself, transforming courts designed to protect citizens into instruments of theft and oppression. Their scheme employed interstate travel for criminal coordination, systematic perjury in sworn documents, interstate money laundering to finance their crimes, and the calculated abuse of federal law enforcement services to legitimize their fraud. Each element demonstrates contempt for law, justice, and basic human decency. 15. The enterprise commenced with an act of stunning audacity: while still married to and living with Plaintiff, Defendant Myers secretly coordinated with Defendant Branthoover to file fraudulent protective order applications in Texas courts. This initial betrayal established the enterprise's core methodology—the systematic corruption of judicial proceedings through fabricated allegations and perjurious statements designed to transform Plaintiff from husband into victim. 16. When their initial assault on judicial integrity failed on December 14, 2023, Defendants escalated their criminal conduct through calculated deception. Branthoover contacted Plaintiff with false offers of assistance, exploiting Plaintiff's emotional vulnerability during marital crisis to facilitate the next phase of their scheme. This manipulation enabled Myers' interstate travel to Oklahoma under the pretense of seeking "space" while coordinating the preparation of fraudulent legal documents to be deployed against Texas courts. 17. The enterprise's financial crimes demonstrate disregard for Plaintiff's survival and livelihood. While Plaintiff believed his wife was seeking emotional space, Defendants executed a coordinated theft of the family's financial resources, transferring \$1,576 from the joint marital PNC bank account to Branthoover's PayPal account, which was later transferred to Myers in furtherance of the scheme once she arrived in Oklahoma. This theft occurred while Myers maintained the facade of a grieving spouse, revealing the calculated cruelty underlying their criminal enterprise. 18. When confronted with evidence of their theft, Defendants abandoned all pretense of legitimacy. Branthoover explicitly disclosed his role as architect of the criminal scheme, admitting his intention to "help with the paperwork" and that he "hopes he can make the divorce process go as smoothly as possible" while preparing documents for Texas court submission. This admission revealed the enterprise's hierarchical structure and Branthoover's administrative control over operations designed to destroy Plaintiff's legal rights. 19. The enterprise's use of stolen funds to purchase instruments of continued deception demonstrates the systematic nature of their criminal planning. Defendants utilized the proceeds of their theft to acquire a secondary telephone number for Myers, which was subsequently used on fraudulent court documents to conceal communications related to their racketeering activities from Plaintiff and to further a narrative of protection. This purchase reveals their intent to maintain operational security while continuing to deceive Texas courts. 20. The fraudulent documents prepared through this interstate criminal conspiracy represent a systematic assault on judicial integrity. These documents contained fabricated allegations of domestic violence designed to

influence courts into granting protective orders, false claims regarding property ownership intended to misrepresent marital assets and financial responsibility, material misrepresentations about indigency to avoid court costs, and perjurious statements regarding nonexistent prior protective orders that allege family violence occurred during the marriage. Each false statement was crafted to maximize harm to Plaintiff while providing maximum benefit to the criminal enterprise. 21. The enterprise achieved its criminal objectives through the complete corruption of Texas judicial proceedings. On January 16, 2024, Texas courts, relying entirely on the fraudulent documents and perjurious statements prepared by the interstate criminal enterprise, entered orders that accomplished part of Defendants' goals. 22. The common goal to deprive Plaintiff of his residence, thereby affording Myers a significant advantage in State proceedings succeeded. However, the finalization of this scheme, against all odds, has not yet been satisfied due to Plaintiff's zealous advocacy for his Constitutionally protected rights. 23. The enterprise's partial success reveals the ongoing threat posed by Defendants' criminal association to finalize the scheme. Rather than ceasing their criminal activities after achieving initial success, Defendants continued coordinating their operations through May 24, 2025, using interstate communications regarding the proceedings amongst the Defendants, and by threatening Plaintiff via text messages as he sought relief in the Texas appellate courts, demonstrating their intent to maintain the benefits of their crimes while preventing discovery of their fraudulent conduct. 24. Throughout the state court proceedings, Defendant Branthoover engaged in systematic intimidation designed to intimidate and harass Plaintiff. These communications explicitly acknowledged his central role in the fraudulent scheme while threatening escalated criminal conduct. Both Defendants possessed full knowledge of their perjurious statements and fraudulent representations to Texas courts. Their coordinated preparation of false documents in Oklahoma, their systematic concealment of communications through fraudulent telephone numbers, their continued coordination following partial judicial success, and their ongoing efforts to prevent discovery demonstrate conscious participation in a criminal enterprise designed to corrupt judicial proceedings for personal enrichment. 25. The enterprise's assault on Plaintiff's business operations reveals the calculated cruelty underlying their criminal conduct. Defendants knew that Plaintiff operated his legitimate business from the marital residence and that their fraudulent scheme would have the potential to destroy his livelihood. Their intentional influence of the courts resulting in the deprivation of his property interests and business location caused immediate, substantial, and ongoing harm to his income, destroyed his credit, forced dramatic increases in his cost of living, and imposed legal costs to defend against their fraudulent litigation. This destruction of Plaintiff's economic foundation was not collateral damage but a calculated objective of their criminal enterprise. 26. The predicate acts committed by this interstate racketeering enterprise include multiple violations of federal criminal law: systematic wire fraud through interstate communications designed to deceive Plaintiff and Texas courts, potential mail fraud through the abuse of United States Marshall Service to legitimize fraudulent documents, money laundering through interstate transfer of funds derived from criminal activity, and potentially obstruction of justice for the interstate activity that was designed to corruptly influence the Texas judiciary. Each

predicate act was committed in furtherance of the enterprise's criminal objectives and demonstrates the sophisticated nature of Defendants' assault on federal and state legal systems. 27. This interstate racketeering enterprise represents an unprecedented assault on the integrity of judicial proceedings and the sanctity of marital relationships. Defendants transformed the most intimate human bond—marriage—into a weapon for systematic theft and judicial corruption. Their success in manipulating Texas courts through documents prepared in Oklahoma, financed through interstate money laundering, and legitimized through federal mail services should not be tolerated by any U.S. District Court. V. STATEMENT OF FACTS

28. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 27 above, as if fully set forth herein. A. Party References 29. For clarity and ease of reference throughout this Complaint, the parties shall be referred to as follows: i. Plaintiff Charles Dustin Myers shall be referred to herein as “Plaintiff ” and is the husband of Morgan Michelle Myers. ii. Defendant Daniel Kenneth Branthoover shall be referred to herein as “Branthoover” and is identified as the stepfather of Defendant Morgan Michelle Myers. iii. Defendant Morgan Michelle Myers shall be referred to herein as “Myers” and is identified as the spouse of Plaintiff Charles Dustin Myers and stepdaughter of Branthoover. 30. At all relevant times, Defendant Myers has not raised any defenses to these claims in State court and has ignored all settlement offers made in an attempt to avoid this lawsuit. 31. At all relevant times, Defendants have maintained communications regarding the affairs of the enterprise’s purpose. B. Formation of the Enterprise (December 14 – 15, 2023) 32. Defendant Branthoover has extensive knowledge of protective orders given his prior criminal convictions. 33. On December 14, 2023, in response to the discovery of an extramarital affair by the Plaintiff, Defendant Myers opened a private bank account in her own name and began interstate communications with Branthoover via text message. In total, Myers and Branthoover exchanged a total of 92 text messages between Branthoover’s number registered as 940-312-3434, and Myers’ number registered as 817-235-5189 on this date. 34. Also on December 14, 2023, Defendant Myers, without legitimate cause or factual basis, sought an ex-parte order of protection against Plaintiff while in communications with Branthoover. 35. Later on the evening of December 14, 2023, in a stark contrast to her earlier emergency request for a protective order, Defendant Myers reminded Plaintiff of a school field trip scheduled for the following day, thereby attempting to maintain a facade of normalcy and prevent Plaintiff from suspecting of her fraudulent intentions. C. Deception, Transfer, and Planned Interstate Travel (December 15–17, 2023) 36. On December 15, 2023, Plaintiff was contacted by Branthoover at 9:51 A.M. CST, where he stated “I’ve been where you are before. I want to help both of you” regarding a recent divorce announcement made by Myers on December 1, 2023. 37. During this phone conversation, it was established that Myers would visit his residence over the weekend of December 15, 2023, located within this district, for the purpose of “providing space” to Myers. 38. At this time, it’s important to note that Plaintiff had no knowledge of the ex-parte attempt made the day prior, and he had no reason to believe that Branthoover was being dishonest about his intentions for Myers’ visit to his residence. 39. Immediately after the call, Plaintiff received notice that Myers had transferred \$1,576 from the parties’ joint-marital PNC account to

Branthoover's PayPal account (username "dmb575"), depleting the account's balance. 40. On December 16, 2023, Plaintiff received notification that the joint marital PNC bank account was overdrawn by -\$800.00. Concurrently, Plaintiff was informed that advertisements related to his legitimate at-home business had ceased running due to a failure of payment. 41. The PNC bank statement for December 2023 clearly documents the occurrence of this transaction, demonstrating the precise date and amount of the unauthorized withdrawal. 42. The PayPal identifier "dmb575" directly matches the information associated with the fraudulent transfer on Plaintiff's bank statement for December of 2023, linking Defendant Branthoover to the illicit financial maneuver notwithstanding his admissions via text message. 43. On December 16, 2023, at precisely 3:54 P.M. Central Standard Time, Plaintiff, to mitigate the financial damage and resolve the situation amicably, sent a text message to Defendant Branthoover. In this message, Plaintiff explicitly requested the return of the \$1,576.00 that had been fraudulently transferred, detailing the intended use of the funds, the late bills resulting from misappropriation, his inability to work due to the severe mental anguish caused by the Defendants' actions, and his sincere desire for an amicable resolution given the time of year. 44. In a callous and dismissive response to Plaintiff's plea, Defendant Branthoover informed Plaintiff via text message that "You Are Getting Divorced" and further stated, "I hope I can help with the paperwork and make things go as smoothly as possible." This communication, far from helping as initially stated by Branthoover, served as a direct threat and an overt act in furtherance of the conspiracy, demonstrating Branthoover's intent to exploit Plaintiff's distress for the benefit of the enterprise. 45. At no time relevant to this Complaint has Defendant Branthoover possessed a license to practice law in any state within the United States. In subsequent texts, his statements regarding "paperwork" and making things "go as smoothly as possible" constituted the unauthorized practice of law and that he held an administrative role over the affairs of the enterprise. D. Eviction Attempt Influenced by Myers in Furtherance of the Scheme (December 17-22, 2023) 46. On December 17, 2023, at approximately 11:00 A.M., Plaintiff was served with an eviction notice by the grandmother of Myers, which contained the following false information: i. A purported "lease violation," which was entirely fabricated as no valid lease agreement existed between Plaintiff and Wilson; ii. The assertion that "Granddaughter getting divorced," referring to Defendant Myers, as a basis for eviction; iii. The false claim that a "Protective order has been filed." iv. The directive that "He must leave. She and the girls may stay," demonstrating the clear intent to dispossess Plaintiff for the benefit of Myers. 47. Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the drafting of the very documents referenced in the frivolous eviction notice, thereby demonstrating clear premeditation and coordination of the scheme. 48. Defendant Myers possessed actual knowledge that no valid lease agreement existed, and on December 17, 2023, Myers herself physically tore the fraudulent eviction notice in half and wrote "VOID" on the document in black sharpie, showing her influence over the attempt. E. A Narrative of Protection, Secondary Phone, and Initiation of Suit 49. Defendant Myers also returned from Oklahoma with a can of pepper spray mace to further the narrative of protection first established on December 14, 2023, in her ex-parte attempt. 50. On the evening of December 17, 2023,

Defendant Morgan Michelle Myers explicitly disclosed to Plaintiff Charles Dustin Myers that she had acquired a secondary phone number while in Oklahoma, registered under the number 817-940-0852. This acquisition was a deliberate act of concealment and an overt act in furtherance of the enterprise, designed to facilitate clandestine communications related to the fraudulent scheme. 51. This newly acquired phone number (817-940-0852) was subsequently used on a series of fraudulent legal documents prepared under the direct administrative oversight of Defendant Branthoover, with his full knowledge and participation. These documents, which were prepared in Oklahoma and designed to unlawfully influence legal proceedings in Texas, included: i. An "Original Petition for Divorce," dated December 18, 2023, which contained numerous false statements. ii. An "Affidavit of Indigency," dated December 18, 2023, which contained material misrepresentations regarding Defendant Myers' financial status. iii. A "Request for Uncontested Cases," dated December 18, 2023, which was filed despite Plaintiff not conversing with defendant Myers regarding any divorce litigation. iv. An "Application for Protective Order," dated December 22, 2023, which was based on fabricated allegations of family violence. F. Continued Obstruction and Unauthorized Practice of Law 52. After the initial divorce paperwork was filed on December 18, 2023, Defendant Branthoover, continuing his unauthorized practice of law and his role in the conspiracy, sent a text message to Plaintiff stating: "Charlie, it's come to my understanding you have retained an attorney. I'm sure he has told you that all further communication should take place between attorneys. I must formally ask you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney." (emphasis added) This communication was a deliberate attempt to isolate Plaintiff from direct communication with Myers and to control the flow of information, thereby hindering Plaintiff's ability to uncover the full extent of the fraudulent scheme. This communication also evidences that Branthoover's role went beyond helping Myers prepare the documents by seeing them through to their submission and asserted an administrative role over the proceedings in an attempt to intimidate Plaintiff. G. Service by US Marshall 53. In furtherance of the scheme, and despite still cohabitating with Plaintiff, defendant Myers knowingly and intentionally utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, thereby using an instrumentality of interstate commerce to further the illicit enterprise, which occurred on December 27, 2023. 54. In furtherance of the scheme, and despite living next-door to Plaintiff, defendant Myers knowingly and intentionally influenced an eviction proceeding and utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, which occurred on December 28, 2023. H. False Statements - Divorce Petition and Affidavit of Indigency (Dec. 18, 2023) 55. When reviewing the documents prepared in part by Branthoover and filed with the court by Myers, there existed several false statements and were intended to deceive the court and prejudice Plaintiff in furtherance of the scheme to dispose him of his property interests. Specifically, these false statements included, but were not limited to: i. The assertion that the spouses had ceased living together on December 1, 2023, when in fact they were still residing together at the marital home on that date and for several weeks thereafter. ii. The claim that Defendant Myers owned both family vehicles as her separate property prior to the

marriage, which was demonstrably false as these vehicles were acquired during the marriage and constituted community property, paid for by Plaintiff. iii. The representation that Defendant Myers had an active order of protection against Plaintiff with a judicial finding that family violence had occurred during the marriage, which was fabricated and without any basis in fact or law. iv. The assertion that the children or Defendant Myers would be subjected to harassment or abuse if Plaintiff were provided with her second phone number (817-940-0852) acquired in Oklahoma, which was a baseless and manipulative claim designed to conceal her communications related to the fraudulent scheme. 56. Concurrently with the fraudulent divorce petition, Defendant Myers, again with the administrative oversight and full knowledge of Defendant Branthoover, filed a fraudulent "Affidavit of Indigency" with the court. This affidavit contained material misrepresentations regarding Defendant Myers' financial status, all of which were known to be false at the time of filing and were intended to defraud the court and avoid legitimate court costs. Specifically, these false statements included, but were not limited to: i. The claim that Defendant Myers was financially indigent and unable to pay court costs, despite her access to and control over substantial marital assets. ii. The representation that Defendant Myers was solely responsible for all family living expenses, including rent, utilities, food, and other living expenses, when in fact, Plaintiff was the primary breadwinner of the household at that time. iii. The assertion that Defendant Myers was solely responsible for both car payments, which she has no payment history to support such a claim. I. False Statements - Application for Protective Order (Dec. 22, 2023) 57. Defendant was served with an Application for a Protective Order on December 22, 2023, filed by Myers, despite her claim to already have an existing order in her Original Petition for Divorce. 58. Upon review, defendant Myers made additional false statements within the sworn document, all intended to further deceive the court and secure an unwarranted protective order against Plaintiff to effectuate the enterprises' goal of divesting him of his property interests. These false statements included, but were not limited to: i. The claim that family violence occurred on December 18, 2023, in the presence of the children, which was entirely false and fabricated. ii. The assertion that family violence occurred prior to December 18, 2023, which was also false and without any factual basis. iii. The request that Plaintiff take a battering intervention program. J. A Clear Objective 59. The common and overarching objectives shared among Defendant Myers when reviewing these documents (through the administration and direction of Defendant Branthoover) and with the active participation of Myers' grandmother, were multifaceted: primarily, to unlawfully remove Plaintiff from his residence, which was essential for his livelihood and the family's financial well-being; secondarily, to gain an unfair and illicit advantage in the ongoing divorce proceedings between Plaintiff and Defendant Myers; and ultimately, to finalize the divorce on terms unilaterally favorable to Defendant Myers, thereby making the unlawful deprivation of Plaintiff's rights and property permanent and to escape accountability for the conduct alleged herein. K. Primary Objective Success 60. On January 16, 2024, the parties appeared before the 322nd District Court of Tarrant County, and the initial objective of the Defendants' scheme succeeded when Plaintiff was ordered to vacate the family home without any findings or without a hearing taking place. 61. The significance of the misinformation presented to the court could have been the only

reason for this decision, and it afforded Myers the advantage that she and Branthoover had anticipated. K. Pattern of Racketeering Activity and Continuity 62. Between January 16, 2024, and the present day, Defendants Myers and Branthoover have continued to further their racketeering activity through a series of ongoing illicit acts, demonstrating a clear pattern of continuity and relatedness. These acts include, but are not limited to: i. Myers and Branthoover continuing to engage in illicit communications regarding case details between one another across state lines, specifically between Texas and Oklahoma, in direct furtherance of their fraudulent scheme to see the divorce through to its' finalization. ii. Branthoover delivering ongoing threats and intimidation to Plaintiff regarding his legitimate attempts to seek legal relief from the orders that were a product of the Defendants' actions, which occurred in December of 2023, June of 2024, December of 2024, and May of 2025. iii. Making direct statements such as "I've been enjoying watching every filing get denied" by Branthoover, showing the malicious intent behind his involvement. 63. On June 23, 2024, Defendant Branthoover, continuing his pattern of harassment and intimidation, sent a text message to Plaintiff stating, "Lol. And here comes another denial," in direct reference to a pleading filed in the Texas State courts by Plaintiff seeking to enjoin Branthoover as a party to the divorce proceedings. This communication demonstrates Branthoover's awareness of and continued involvement in the legal proceedings and his malicious intent to mock Plaintiff's efforts to seek justice. 64. On December 12, 2024, Defendant Branthoover sent a text message to Plaintiff explicitly threatening future action by stating, "When things all over you get to deal with me. Just a heads up." This communication constitutes a direct threat of future harm and further evidence of the Defendants' future threat of criminal activity. 65. On May 24, 2025, Defendant Branthoover sent a text message to Plaintiff containing a direct and severe threat, stating, "Where's my lawsuit? Heard your vm about me. File it. Let's do this :)" This malicious communication is a clear act of intimidation and further evidence of the Defendants' collaboration throughout the proceedings with Defendant Myers. VI. 18 U.S.C. § 1962(c) - The RICO Statute 66. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 59 above, as if fully set forth herein. 67. The Racketeer Influenced and Corrupt Organizations Act (RICO) was enacted to combat organized crime by providing enhanced criminal penalties and civil remedies. Section 1962(c) of the statute provides the legal framework for establishing liability under RICO: "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." 18 U.S.C. § 1962(c) (2025). In essence, the elements required for a RICO claim are: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 (D. Minn. 2020). Plaintiff now turns to establish these required elements in the instant matter. VII. The Conduct Element 68. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 61 above, as if fully set forth herein. 69. Based on the facts presented, both Defendants Branthoover and Myers satisfy this "conduct" element. Branthoover actively communicated with Myers across state lines, coordinated her actions,

facilitated a monetary transfer in furtherance of the broader scheme, and provided administrative oversight for fraudulent legal documents, demonstrating direction and control over the enterprise's affairs. Myers executed the fraudulent acts by filing false affidavits, transferring marital funds, and participating in the eviction scheme, showing her role in the operation of the enterprise. The case law consistently supports that such involvement in directing and executing an enterprise's fraudulent activities satisfies the "conduct" element under RICO. A. Defendant Branthoover's Role and the "Conduct" Element 70. Based on the facts presented, Defendant Branthoover "actively communicated with Defendant Myers, coordinated her actions, and provided administrative oversight for the preparation and filing of fraudulent legal documents." These actions demonstrate direction and control over the enterprise's affairs, which satisfies the "conduct" element under 18 U.S.C. § 1962(c) as interpreted by the Supreme Court in *Reves*. 71. First, Branthoover's active communication with Myers and coordination of her actions show that Branthoover "gave directions," one of the factors identified in *Tatung Co. v. Shu Tze Hsu*, 217 F.Supp.3d 1138 (C.D. Cal. 2016) for determining whether a defendant had some part in directing the affairs of the enterprise. By coordinating Myers' actions, Branthoover played a role in the "chain of command" through which the affairs of the enterprise were conducted, another factor identified in *Tatung*. 72. Second, Branthoover's provision of "administrative oversight for the preparation and filing of fraudulent legal documents" demonstrates management and direction of the enterprise's affairs. This oversight role aligns with the "operation or management" test established in *Reves v. Ernst & Young*, 507 U.S. 170 (1993), which requires "some degree of direction and control over the enterprise's affairs." 73. The fact that Branthoover provided oversight for fraudulent activities further strengthens the case that his conduct satisfies the RICO "conduct" element. As noted in secondary authorities "Reflections on *Reves v. Ernst & Young*: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO" (1996): "The prosecution is, however, required to prove that the defendant's actions were related to the enterprise and that those acts were known to and were intended to further the affairs of the enterprise and did in fact further the affairs of the enterprise." 74. Branthoover's oversight of fraudulent legal documents demonstrates that his actions were intended to further the enterprise's fraudulent scheme. Even if Branthoover was not the top-level manager of the enterprise, RICO liability "is not limited to those with primary responsibility for the enterprise's affairs." *Crabhouse of Douglaston Inc. v. Newsday Inc.*, 801 F.Supp.2d 64 (E.D.N.Y. 2011). His role in directing and overseeing the enterprise's fraudulent activities is sufficient to establish liability under § 1962(c). B. Defendant Myers' Role and the "Conduct" Element 75. Defendant Myers "engaged in fraudulent activities, including filing false affidavits, transferring marital funds, and participating in the eviction scheme." Although her role appears to be more focused on execution rather than direction, the case law supports the conclusion that her conduct also satisfies the "conduct" element under RICO. 76. First, Myers' execution of fraudulent acts, including filing false affidavits and transferring marital funds, demonstrates her participation in the enterprise's affairs. While the Supreme Court in *Reves* established that mere participation is not enough, Myers' actions go beyond mere participation. By filing false affidavits, several misleading documents, and transferring

marital funds, she was actively carrying out essential components of the fraudulent scheme, making her "indispensable to the achievement of the enterprise's goal," one of the factors identified in *Tatung Co. v. Shu Tze Hsu*, 217 F.Supp.3d 1138 (C.D. Cal. 2016). 77. Second, although Myers may have been following Branthoover's directions, RICO liability can still attach if she "exercised broad discretion in carrying out the instructions of her principal." *Crabhouse of Douglaston Inc. v. Newsday Inc.*, 801 F.Supp.2d 64 (E.D.N.Y. 2011). The filing of false affidavits and participation in the eviction scheme involved discretionary decision-making on Myers' part, rather than merely following specific, detailed instructions without any independent judgment. Furthermore, Myers didn't travel to Oklahoma in furtherance of the scheme until after her first initial attempt at seeking an ex-parte order of protection failed, showing a willingness to override the initial denial by making more robust false statements in subsequent filings. Myers also submitted multiple documents to the Texas Courts with actual knowledge of their untruthfulness and used the transferred funds to acquire a second phone in furtherance of the scheme. 78. Third, Myers' role in actually executing fraudulent acts places her within the "chain of command" through which the affairs of the enterprise were conducted, another factor identified in *Tatung*. By carrying out the fraudulent activities that were central to the enterprise's operations, she was participating in the conduct of the enterprise's affairs.

C. Collective Analysis of Both Defendants' Roles 79. Collectively, Branthoover and Myers operated at different levels of the enterprise, with Branthoover providing direction and oversight and Myers executing the fraudulent acts. This hierarchical structure is precisely the type of operation contemplated by RICO, which aims to combat organized criminal activity. 80. Under the "operation or management" test established in *Reves*, both defendants had "some part in directing the enterprise's affairs," albeit to different degrees. Branthoover's role was more focused on coordination and oversight, while Myers' role was more focused on execution. However, both roles involved discretionary actions that furthered the enterprise's fraudulent objectives. 81. The fact that Branthoover has a criminal history surrounding protective orders further supports that he "directed Myers' actions and oversaw the fraudulent filings, while Myers executed the fraudulent acts" and demonstrates that they were operating as part of a coordinated enterprise. This coordination and division of responsibilities supports the conclusion that both defendants participated in the operation or management of the enterprise, satisfying the "conduct" element under § 1962(c). VIII. The Enterprise Element 82. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 81 above, as if fully set forth herein. 83. Myers and Branthoover's coordinated actions from December 2023 to May 2025 establish an association-in-fact enterprise under RICO. This analysis applies the three essential structural features established in *Boyle v. United States*, 556 U.S. 938 (2009): purpose, relationships, and longevity. A. Common Purpose 84. Myers and Branthoover acted "with a shared purpose to defraud Plaintiff and deprive him of his property and rights, provide Myers with an advantage in divorce litigation, and finalize the scheme." This common fraudulent purpose satisfies the first element of an association-in-fact enterprise. As explained in *Comm. to Protect Our Agric. Water v. Occidental Oil & Gas Corp.*, 235 F.Supp.3d 1132 (E.D. Cal. 2017), to show a common purpose, "plaintiffs must allege that the group engaged in enterprise conduct distinct

from their own affairs." The coordinated fraudulent scheme directed at the Plaintiff represents such a common purpose. B. Relationships Among Associates 85. The facts indicate that Myers and Branthoover "acted together" and engaged in "coordinated actions" including "fraudulent filings, financial transactions, and communications to further their scheme." This coordination demonstrates the relationships between the associates necessary to establish an enterprise. As stated in *United Ironworkers, Inc. v. Travelers Prop. Cas. Co. of Am.*, Case No. 3:18-CV-553-NJR-DGW (S.D. Ill. Jan 02, 2019), an enterprise must have "some structure, evinced by a common purpose, some longevity, and relationships among those associated with it." 86. Their coordinated roles in executing various aspects of the fraudulent scheme fulfill this relationship requirement. The relationship requirement is further supported by the interstate travel that took place to carry out the scheme, which began in Oklahoma, and was carried out in Texas. C. Sufficient Longevity 87. The enterprise operated through "ongoing actions from December 2023 to May 2025," a period of approximately 18 months. This timeframe demonstrates sufficient longevity to pursue the enterprise's purpose of defrauding the Plaintiff. According to *Chambers v. King Buick GMC, LLC*, 43 F. Supp. 3d 575 (D. Md. 2014), a RICO enterprise is characterized by "continuity, unity, shared purpose and identifiable structure." The continuous operation over this period satisfies the longevity requirement. While the initial predicate acts were carried out in the beginning, the ongoing communications and direct threats to Plaintiff for challenging their actions highlight an ongoing relationship contributable to the enterprises' purpose. D. Broad Interpretation of RICO Enterprise 88. Courts have consistently interpreted the RICO enterprise element broadly, in keeping with the statute's remedial purpose. As noted in *McGillvary v. Scutari*, 23-cv-22605-JMY (D. N.J. Dec 23, 2024), "the very concept of an association in fact is expansive," consistent with RICO's directive that "its terms are to be liberally construed to effectuate its remedial purposes." Similarly, *Dugan v. State Farm Mut. Ins. Co.*, Case No. CIV-17-1221-R (W.D. Okla. Apr 03, 2018) emphasized "the broad scope of a RICO enterprise" as interpreted by the Supreme Court in *Boyle*. 89. This broad interpretation supports finding an association-in-fact enterprise between Myers and Branthoover based on their coordinated fraudulent activities. As stated in secondary sources, *RICO: A Primer* (2022), courts have interpreted "enterprise" broadly, and the statutory list is "not exhaustive but merely illustrative." E. Enterprise Distinct from Pattern of Racketeering Activity 90. One potential issue is whether the enterprise is sufficiently distinct from the pattern of racketeering activity. As noted in *Schreier v. Drealan Kvilhaug Hoefker & Co. P.A.*, 611 F.Supp.3d 746 (D. Minn. 2020), "the existence of an enterprise is an element distinct from the pattern of racketeering activity and proof of one does not necessarily establish the other." Similarly, *Chambers v. King Buick GMC, LLC*, 43 F. Supp. 3d 575 (D. Md. 2014) states that an enterprise must be "an entity 'separate and apart from the pattern of activity in which it engages.'" 91. However, this distinction does not require a formal structure beyond the pattern of racketeering activity. As clarified in *Boyle v. United States*, 556 U.S. 938 (2009) and reiterated in the secondary authority *RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS* (2021), an association-in-fact enterprise "does not need 'an[y] ascertainable structure beyond... a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the

enterprise's purpose." 92. The facts indicate that Myers and Branthoover had "coordinated roles," suggesting an organization beyond merely committing predicate acts together. This coordination, combined with their shared purpose and continuity over time, establishes an enterprise distinct from the pattern of racketeering activity that they committed. 93. In conclusion, the facts establish an association-in-fact enterprise between Myers and Branthoover under RICO, as they worked together with a common purpose (defrauding Plaintiff), had a structure (coordinated roles), and demonstrated continuity (ongoing actions from December 2023 to May 2025), satisfying all the elements required by the Supreme Court in *Boyle* and subsequent case law. IX. The Pattern Element 94. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 87 above, as if fully set forth herein. 95. The defendants' multiple predicate acts of mail fraud, wire fraud, and obstruction of justice occurring over approximately 18 months (December 2023 to May 2025) satisfy RICO's pattern requirement by demonstrating both relationship among the acts and continuity of criminal activity. Both closed-ended continuity (through multiple related acts over a substantial time period) and open-ended continuity (through a demonstrated threat of continued criminal activity) are established under the standards set forth in *H.J. Inc v. Northwestern Bell Telephone Company*, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). A. The Relevant Predicate Acts 96. RICO defines "racketeering activity" in 18 U.S.C. § 1961(1), which includes specific federal offenses. According to the current version of the statute, "racketeering activity" includes "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice)." 18 U.S.C. § 1961 (2025). This directly establishes that the defendants' alleged acts of mail fraud, wire fraud, and obstruction of justice qualify as predicate acts under RICO. 97. The alleged predicate acts—mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and obstruction of justice (18 U.S.C. § 1503)—all qualify as "racketeering activity" under 18 U.S.C. § 1961(1). The defendants' engagement in these multiple related predicate acts over an 18-month period satisfies the "continuity plus relationship" test established in *H.J. Inc. v. Northwestern Bell Telephone Co.*, demonstrating both closed-ended and open-ended continuity. 98. Specifically, the transfer of \$1,576 from Myers to Branthoover on December 15, 2023, constitutes wire fraud and was effectuated to further the goal of the enterprise. 99. The intent to prepare the Original Petition for Divorce, Affidavit of Indigency, Application for Protective Order, and the influence over an eviction proceeding which was later dismissed for want of prosecution constitutes obstruction of justice by deceiving the State courts into issuing an adverse ruling against Plaintiff which achieved part of the enterprises common goal. 100. The use of the US Marshall to effectuate the service of these fraudulent documents constitutes mail fraud. 101. The repeated threats as Plaintiff sought relief from the adverse ruling against him spanning several months and on several occasions by Branthoover constitutes obstruction of justice by attempting to intimidate Plaintiff. 102. However, the acts of racketeering activity are not enough to establish a "pattern". Plaintiff must also plead relatedness and continuity. B. Relatedness Requirement 103. The relatedness prong examines whether the predicate acts share common characteristics linking them together. As explained in *Wisdom v. First Midwest Bank, of Poplar*

Bluff, 167 F.3d 402 (8th Cir. 1999): "The relationship prong of the pattern element is satisfied if 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.'" This definition of relatedness was borrowed from Title X of the Organized Crime Control Act, as noted in *H.J. Inc. v. Northwestern Bell Telephone Co.*: "RICO's notion of relationship is no more constrained than that used in Title X of OCCA, under which '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.'" C. Continuity Requirement 104. The continuity element of the pattern requirement has been extensively analyzed in case law. According to *Id.*: "Continuity is centrally a temporal concept, and may be either closed- or open-ended." 99. The Court described two forms of continuity: i. Closed-ended continuity. As explained in *Spool v. World Child Intern. Adoption Agency*, 520 F.3d 178 (2nd Cir. 2008): "Closed-ended continuity is defined as 'a series of related predicates extending over a substantial period of time.'" This form of continuity looks retrospectively at completed conduct. ii. Open-ended continuity: As explained in *U.S. v. Triumph Capital Group, Inc.*, 260 F.Supp. 2d 444 (D. Conn. 2002): "Open-ended continuity exists where there is past conduct that, by its nature, projects into the future with a threat of repetition." This form of continuity looks prospectively at the threat of continued criminal activity. 105. Courts have emphasized that the continuity requirement is determined on a case-by-case basis. As stated in *U.S. v. Pelullo*, 964 F.2d 193 (3rd Cir. 1992): "The continuity element must be determined on a case-by-case basis." D. Relatedness Analysis 106. The relatedness requirement examines whether the predicate acts are connected by common characteristics rather than being isolated events. According to *Wisdom v. First Midwest Bank, of Poplar Bluff*, 167 F.3d 402 (8th Cir. 1999), relatedness is satisfied if the 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." 107. In this case, the defendants' alleged acts of mail fraud, wire fraud, and obstruction of justice demonstrate relatedness because: i. They share similar purposes: The fraudulent filings, interstate communications, and threats were allegedly aimed at defrauding the plaintiff. ii. They involve the same participants: The same defendants were involved in all the predicate acts. iii. They target the same victim: The plaintiff was the target of all the predicate acts. iv. They employ similar methods: The use of fraudulent filings and interstate communications shows a consistent methodology. E. Continuity Analysis 108. The continuity requirement can be satisfied by demonstrating either closed-ended continuity or open-ended continuity. 109. The 18-month period here (December 2023 to May 2025) is substantial and involves multiple predicate acts, including mail fraud, wire fraud, and obstruction of justice. This duration and variety of predicate acts supports a finding of closed-ended continuity under the standard established in *H.J. Inc. v. Northwestern Bell Telephone Co.* 110. In this case, Branthoover's threats to Plaintiff, combined with the ongoing nature of their fraudulent filings and interstate communications up to May 2025 show that their conduct poses a threat of continued criminal activity. The recency of their alleged acts shows that the end goal of the enterprise has not been satisfied, which is to finalize

the proceedings that the Defendants initialized through a pattern of racketeering activity. 111. In conclusion, the pattern requirement is supported by the statutory language of 18 U.S.C. §§ 1961, 1962, 1341, and 1343, as well as case law. The defendants' alleged conduct goes beyond isolated or sporadic criminal acts and demonstrates the sustained, related pattern of criminal activity that RICO was designed to address. X. Damages 112. As a direct result of the racketeering activity alleged herein, Plaintiff has sustained substantial injury to his business operations, suffered significant credit decrease, lost business opportunities, had his personal belongings destroyed, and has had one vehicle repossessed. Does this constitute a prima facie RICO claim? If so, list the counts.

Answer (U.S. Federal)

Short response

Yes, the complaint constitutes a prima facie RICO claim under [18 U.S.C. § 1962\(c\)](#), as it adequately pleads all four required elements: (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity.

Summary

The complaint filed by Charles Dustin Myers presents a comprehensive civil RICO claim against defendants Daniel Branthoover and Morgan Myers. The plaintiff has successfully established the essential elements required for a prima facie RICO violation under [18 U.S.C. § 1962\(c\)](#): conduct of an enterprise through a pattern of racketeering activity. Through detailed factual allegations spanning an 18-month period, the complaint demonstrates how the defendants engaged in coordinated fraudulent activities including wire fraud, mail fraud, and obstruction of justice to deprive the plaintiff of property rights and gain advantages in divorce proceedings.

The strength of this RICO claim lies in the plaintiff's methodical presentation of evidence showing the defendants' respective roles in the enterprise, their shared purpose, the relationship between predicate acts, and the continuity of their criminal activity. The complaint articulates a clear narrative of how Branthoover provided direction and oversight while Myers executed fraudulent acts, establishing both defendants' participation in the operation and management of the enterprise. The pattern of racketeering activity is well-documented through multiple related predicate acts that occurred over a substantial time period with ongoing threats continuing into May 2025, satisfying both the relatedness and continuity requirements under RICO jurisprudence.

Background and Relevant Law

RICO Statutory Framework

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) provides a civil remedy for persons injured by violations of [18 U.S.C. § 1962](#). Section 1962(c) makes it "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962\(c\)](#) (2025).

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

Federal district courts have original jurisdiction over RICO claims pursuant to [28 U.S.C. § 1331](#) (2025), which provides that "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

Elements of a Civil RICO Claim

Courts have consistently identified four essential elements required to establish a civil RICO claim under § 1962(c): "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#). This framework has been widely adopted across federal jurisdictions.

As explained by the U.S. District Court for the Eastern District of Michigan, "To state a RICO claim, a plaintiff must plead: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" [Lockhart v. Deluca](#) (E.D. Mich. 2023). Similarly, the U.S. District Court for the Eastern District of Virginia has held that "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." [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp.3d 560 \(E.D. Va. 2020\)](#).

Some courts have articulated the requirements slightly differently but preserve the same essential elements. For instance, the U.S. District Court for the Northern District of Ohio stated that "The elements of a RICO claim are: 1) two or more predicate offenses; 2) the existence of an enterprise; 3) a nexus between the pattern of racketeering activity and the enterprise; and 4) resulting injury to business or property." [Miller v. Norfolk Southern Ry. Co., 183 F.Supp.2d 996 \(N.D. Ohio 2002\)](#).

Analysis

1. The "Conduct" Element

The "conduct" element requires that a defendant "participate in the operation or management of the enterprise itself." [Davis v. Hudgins, 896 F.Supp. 561 \(E.D. Va. 1995\)](#) (citing *Reves v. Ernst & Young*, 113 S.Ct. 1163 (1993)). As the Eastern District of Virginia explained, "RICO liability is not limited to those with a formal position in the enterprise, but some part in directing the enterprise's affairs is required." *Id.*

The complaint adequately alleges that both defendants participated in the operation or management of the enterprise:

Defendant Branthoover's Role

The complaint details Branthoover's direction and oversight of the enterprise through:

- Coordinating Myers' travel to Oklahoma for the purpose of preparing fraudulent documents
- Providing "administrative oversight for the preparation and filing of fraudulent legal documents"
- Explicitly stating he would "help with the paperwork and make things go as smoothly as possible"
- Asserting control over communications by instructing plaintiff to "only communicate with me or your attorney"
- Continuing to monitor and comment on the divorce proceedings through May 2025

These allegations demonstrate that Branthoover had "some part in directing the enterprise's affairs" as required by [Davis v. Hudgins, 896 F.Supp. 561 \(E.D. Va. 1995\)](#). His actions show more than mere participation; they reflect management and direction of the enterprise's activities.

Moreover, as noted in [Crabhouse of Douglaston Inc. v. Newsday Inc., 801 F.Supp.2d 64 \(E.D. N.Y. 2011\)](#), RICO liability "is not limited to those with primary responsibility for the enterprise's affairs." Branthoover's role in directing and overseeing the fraudulent activities is sufficient to establish the conduct element.

Defendant Myers' Role

While Myers' role appears more focused on execution rather than direction, the complaint adequately alleges her participation in the conduct of the enterprise through:

- Filing false affidavits and other fraudulent court documents
- Transferring marital funds to Branthoover's PayPal account
- Acquiring a secondary phone number to facilitate clandestine communications

- Participating in and influencing the fraudulent eviction attempt
- Continuing communications with Branthoover regarding the divorce proceedings

These actions demonstrate that Myers was not merely following instructions but exercised discretion in executing essential components of the fraudulent scheme. As explained in secondary materials, members of a RICO enterprise need not all serve in the same capacity; some may direct activities while others execute them, but both roles can satisfy the conduct element if they involve discretionary actions furthering the enterprise's objectives. "[Civil Rico: A Tool of Advocacy](#)" (2024).

2. The "Enterprise" Element

RICO defines an "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." [18 U.S.C. § 1961](#)(4) (2025).

For an association-in-fact enterprise, courts require: "(1) a common purpose that animates the individuals associated with it; (2) an ongoing organization with members who function as a continuing unit; and (3) an ascertainable structure distinct from the conduct of a pattern of racketeering." [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#).

The complaint sufficiently alleges an association-in-fact enterprise between Branthoover and Myers by establishing:

Common Purpose

The defendants allegedly shared a common purpose to defraud the plaintiff and deprive him of property rights, provide Myers with an advantage in divorce proceedings, and finalize the divorce on terms favorable to Myers. This satisfies the common purpose requirement as outlined in "RICO: A Primer" (2022), which states that members of an enterprise must share "the same or similar purposes."

Relationships Among Associates

The complaint details the relationship between Branthoover and Myers, including:

- Their familial relationship (stepfather and stepdaughter)
- Extensive communications (92 text messages in a single day)
- Coordinated roles (Branthoover directing and Myers executing)
- Interstate travel to plan and prepare fraudulent documents
- Ongoing communications about judicial proceedings

These allegations establish the relationships among associates necessary for an enterprise, showing that they "function as a continuing unit" as required by [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#).

Sufficient Longevity

The enterprise allegedly operated from December 2023 through May 2025, approximately 18 months. This timeframe demonstrates sufficient longevity to pursue the enterprise's fraudulent purpose. As noted in [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#), a RICO enterprise is characterized by "continuity, unity, shared purpose and identifiable structure."

Structure Distinct from Pattern

While the structure of an association-in-fact enterprise need not be formal, it must be "separate and apart from the pattern of activity in which it engages." [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#). However, as noted in "RICO: A Primer" (2022), an association-in-fact enterprise "does not need 'an[y] ascertainable structure beyond... a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'"

The complaint alleges an enterprise structure through the defendants' coordinated roles, hierarchical relationship (Branthoover directing, Myers executing), and systematic approach to achieving their fraudulent objectives. This goes beyond merely alleging that they committed predicate acts together.

3. The "Pattern" Element

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, courts have interpreted this requirement to demand more than just two predicate acts. As explained in "[Racketeer influenced and corrupt organizations](#)" (2007), establishing a pattern requires proving both "continuity" and "relationship" among the predicate acts.

Predicate Acts

The complaint alleges multiple predicate acts that qualify as "racketeering activity" under [18 U.S.C. § 1961\(1\)](#) (2025), including:

1. Wire fraud (18 U.S.C. § 1343):
 - Transfer of \$1,576 from a joint account to Branthoover's PayPal account
 - Interstate communications to coordinate the fraudulent scheme
2. Mail fraud (18 U.S.C. § 1341):
 - Use of the U.S. Marshal Service to serve fraudulent documents

3. Obstruction of justice (18 U.S.C. § 1503):

- Filing fraudulent documents in Texas courts to obtain favorable rulings
- Threats to intimidate plaintiff from seeking legal remedies

These acts qualify as "racketeering activity" under [18 U.S.C. § 1961](#)(1) (2025), which specifically includes mail fraud, wire fraud, and obstruction of justice.

Relatedness Requirement

The relatedness requirement examines whether the predicate acts share common characteristics rather than being isolated events. According to "[Racketeer influenced and corrupt organizations](#)" (2007), relatedness is satisfied if the 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."

The complaint establishes relatedness by showing that the predicate acts:

- Share a common purpose (defrauding plaintiff and gaining advantages in divorce proceedings)
- Involve the same participants (Branthoover and Myers)
- Target the same victim (the plaintiff)
- Employ similar methods (fraudulent filings and interstate communications)

Continuity Requirement

Continuity can be established through either "closed-ended continuity" (a series of related predicates over a substantial period) or "open-ended continuity" (conduct posing a threat of continued criminal activity). "[Racketeer influenced and corrupt organizations](#)" (2007).

The complaint demonstrates both forms of continuity:

1. Closed-ended continuity: The alleged racketeering activities span from December 2023 to May 2025, approximately 18 months. This constitutes a "substantial period of time" under prevailing case law.
2. Open-ended continuity: The complaint alleges ongoing threats and communications as recently as May 2025, suggesting that the defendants' criminal activities pose a threat of continuing into the future until they achieve their ultimate goal of finalizing the divorce on terms favorable to Myers.

As noted in "RICO: A Primer" (2022), "The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business... or of conducting or participating in an ongoing and legitimate RICO 'enterprise.'"

4. Injury to Business or Property

The complaint adequately alleges injury to the plaintiff's business and property interests, including:

- Loss of residence which was essential to his business operations
- Significant credit decrease
- Lost business opportunities
- Destruction of personal belongings
- Vehicle repossession

These allegations satisfy the injury requirement under [18 U.S.C. § 1964\(c\)](#) (2025), which provides a civil remedy for any person "injured in his business or property by reason of a violation of section 1962."

Potential Challenges and Limitations

While the complaint presents a prima facie RICO claim, several potential challenges could arise:

Proximate Causation

Courts require a direct relationship between the alleged RICO violation and the plaintiff's injury. The complaint must establish that the defendants' racketeering activity was not just the "but for" cause of the injury but also the proximate cause. [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#) ("Plaintiff must additionally plead proximate cause, that is she was injured in her business or property 'by reason of' the RICO violation").

Here, the complaint adequately alleges proximate causation by detailing how the defendants' fraudulent filings directly led to court orders forcing the plaintiff from his residence, thus directly impacting his business operations and property interests.

Specificity of Fraud Allegations

RICO claims based on mail or wire fraud must comply with Federal Rule of Civil Procedure 9(b)'s requirement that fraud allegations be pleaded with particularity. ["Civil Rico: A Tool of Advocacy"](#) (2024). The complaint meets this standard by providing specific details about the fraudulent activities, including:

- Dates of communications and transactions
- Content of fraudulent statements
- Specific amounts transferred
- Identification of fraudulent documents filed

Domestic Relations Exception

Some courts have been reluctant to allow RICO claims that essentially involve domestic relations matters, traditionally the province of state courts.

However, the complaint goes beyond a mere domestic dispute, alleging a coordinated scheme involving interstate travel, fraudulent documents, and financial transactions that affected plaintiff's business interests.

Conclusion

Based on the comprehensive legal analysis above, the complaint filed by Charles Dustin Myers constitutes a prima facie RICO claim under [18 U.S.C. § 1962\(c\)](#). The complaint successfully establishes all four essential elements of a civil RICO claim:

1. **Conduct:** Both defendants participated in the operation or management of the enterprise, with Branthoover providing direction and oversight and Myers executing essential components of the fraudulent scheme.
2. **Enterprise:** The complaint adequately alleges an association-in-fact enterprise between Branthoover and Myers, demonstrating common purpose, relationships among associates, and sufficient longevity.
3. **Pattern:** The complaint establishes a pattern of racketeering activity by alleging multiple predicate acts (wire fraud, mail fraud, and obstruction of justice) that are related and demonstrate both closed-ended and open-ended continuity.
4. **Racketeering Activity:** The alleged predicate acts qualify as "racketeering activity" under [18 U.S.C. § 1961\(1\)](#).

Additionally, the complaint alleges specific injury to the plaintiff's business and property interests, as required for civil RICO claims under [18 U.S.C. § 1964\(c\)](#).

The complaint therefore states a viable civil RICO claim under [18 U.S.C. § 1962\(c\)](#), entitling the plaintiff to seek treble damages and attorney's fees. Based on the allegations in the complaint, the following count could be properly pleaded:

Count I: Violation of [18 U.S.C. § 1962\(c\)](#) - Conducting the Affairs of an Enterprise Through a Pattern of Racketeering Activity

The strength of this RICO claim lies in the detailed factual allegations that establish the defendants' respective roles in the enterprise, their shared purpose, the relationship between predicate acts, and the continuity of their criminal activity over a substantial period. While challenges may arise regarding proximate causation and the domestic relations context, the complaint's comprehensive allegations provide a strong foundation for the RICO claim to proceed.

Legal Authorities

[Davis v. Hudgins, 896 F.Supp. 561 \(E.D. Va. 1995\)](#)

U.S. District Court — Eastern District of Virginia

Extract

In *Reves v. Ernst & Young*, ___ U.S. ___, 113 S.Ct. 1163, 122 L.Ed.2d 525 (1993), the United States Supreme Court discussed the 'conduct' element of section 1962(c) and determined that RICO requires a participant to have some role in the operation or management of the enterprise. *Id.* at ___, 113 S.Ct. at 1170. The Court stated that 'RICO liability is not limited to those with a formal position in the enterprise, but some part in directing the enterprise's affairs is required.' *Id.*; see also *United States v. Grubb*, 11 F.3d 426, 439 n. 24 (4th Cir.1993). Plaintiff provides no clear indication of which Defendants directed the activities of the alleged scheme. He has alleged that each Defendant committed specific acts in furtherance of the scheme, but none of the acts Plaintiff lists suggests that any Defendants held a management role in the purported scheme. Therefore, the Court finds that Plaintiff has failed to allege that Defendants engaged in the conduct necessary to impose liability under RICO.

Summary

The passage highlights the importance of demonstrating that defendants had a role in directing the enterprise's affairs to establish RICO liability. It emphasizes that merely committing acts in furtherance of a scheme is insufficient without showing management or operational control.

[Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#)

U.S. District Court — District of Minnesota

Extract

To state a RICO claim, a plaintiff must show '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... '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.' ... To show a RICO enterprise, a plaintiff must show: '(1) a common purpose that animates the individuals associated with it; (2) an ongoing organization with members who function as a continuing unit; and (3) an ascertainable structure distinct from the conduct of a pattern of racketeering.' ... An essential element of the civil RICO cause of action is proof that defendants have engaged in a 'pattern of racketeering activity.' ... 'A pattern is shown through two or more related acts of racketeering activity that amount to or pose a threat of continued criminal activity.'

Summary

To establish a prima facie RICO claim, a plaintiff must demonstrate conduct of an enterprise through a pattern of racketeering activity. The enterprise must have a common purpose, function as a continuing unit, and have a structure distinct from the pattern of racketeering. A pattern requires at least two related acts of racketeering that pose a threat of continued criminal activity. The passage provides the necessary elements and definitions to evaluate whether the allegations in the complaint meet the criteria for a RICO claim.

[Kimberlin v. Nat'l Bloggers Club, Case No.: GJH-13-3059 \(D. Md. Mar 17, 2015\)](#)

U.S. District Court — District of Maryland

Extract

Section 1962(c), upon which Kimberlin relies, provides, in relevant part: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities 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 elements of a § 1962(c) violation are '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985) (footnote omitted).

Summary

Foundational understanding of what constitutes a RICO violation, which is directly relevant to assessing whether the complaint in question meets these criteria.

[Rowe v. Gary, Williams, Parenti, Watson & Gary, P.L.L.C., 181 F.Supp.3d 1161 \(N.D. Ga. 2016\)](#)

U.S. District Court — Northern District of Georgia

Extract

To state a claim for violation of section 1962(c), Plaintiffs must allege facts showing '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985) ; *Carter v. MGA, Inc.*, 189 Fed.Appx. 893, 894 (11th Cir.2006). '[P]laintiffs must ... allege each of these elements to state a claim. Conducting an enterprise that affects interstate commerce is obviously not in itself a violation of § 1962, nor is mere commission of the predicate acts.' *Sedima v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275,

87 L.Ed.2d 346 (1985). 'Racketeering activity' is defined to include such predicate acts as mail fraud (§ 1341), wire fraud (§ 1343), and obstruction of justice (§ 1503). See 18 U.S.C. § 1961(1) ; see also American Dental Ass'n v. Cigna Corp., 605 F.3d 1283 (11th Cir.2010) (discussing predicate acts of mail and wire fraud). A 'pattern of racketeering activity' under RICO 'requires at least two acts of racketeering activity.'

Summary

Racketeering activity includes predicate acts such as mail fraud, wire fraud, and obstruction of justice, and that a pattern requires at least two acts of racketeering activity.

[D'Addario v. Geller, 264 F.Supp.2d 367 \(E.D. Va. 2003\)](#)

U.S. District Court — Eastern District of Virginia

Extract

Title 18 U.S.C. § 1962(c) provides that 'it shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' According to 18 U.S.C. § 1961, racketeering must involve the commission of two or more predicate acts, including mail fraud and obstruction of justice. A plaintiff must plead all elements of the alleged violation of section 1962 in order to state a civil claim under section 1964(c). *Sedima, S.P.R.L. v. Imrex, Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985).

Summary

To establish a prima facie RICO claim under 18 U.S.C. § 1962(c), a plaintiff must allege: (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity. Additionally, the plaintiff must show that they were injured in their business or property by reason of the RICO violations. The passage confirms that the plaintiff must plead all elements of the alleged violation, including the commission of two or more predicate acts such as mail fraud and obstruction of justice.

[Crabhouse of Douglaston Inc. v. Newsday Inc., 801 F.Supp.2d 64 \(E.D. N.Y. 2011\)](#)

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

Extract

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.” ... “Any principled analysis of a RICO claim [] must begin from an understanding of what enterprise is alleged.” ... One violates RICO where “a defendant, through the commission of two or more acts constituting a pattern of racketeering activity, directly or indirectly participate[s] in an enterprise” ... The Court now turns to the third and fourth elements of the plaintiffs' substantive RICO claims: “the commission of two or more acts constituting a pattern of racketeering activity.” The pattern of racketeering alleged by plaintiffs in their RICO claim is mail fraud. To bring such a claim, plaintiffs must allege “(1) the existence of a scheme to defraud, (2) defendant's knowing or intentional participation in the scheme, and (3) the use of interstate mails or transmission facilities in furtherance of the scheme.”

Summary

Elements necessary to establish a RICO claim, which include the existence of an enterprise, the commission of two or more acts constituting a pattern of racketeering activity, and the use of interstate mails or transmission facilities in furtherance of the scheme. The passage also emphasizes the need for a scheme to defraud and the defendant's knowing or intentional participation in the scheme. This framework is applicable to the question of whether the complaint constitutes a prima facie RICO claim.

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)

U.S. District Court — Southern District of Texas

Extract

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 or collection of unlawful debt.' Boyle v. United States, 556 U.S. 938, 943–45, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009) (quoting 18 U.S.C. § 1962(c)) (internal quotation marks omitted). Thus, to establish liability under § 1962(c) one must allege and prove the existence of two distinct entities: (1) a 'person'; and (2) an 'enterprise' that is not simply the same 'person' referred to by a different name.

Summary

Foundational understanding of what constitutes a RICO claim, which is essential for determining whether the complaint in question meets these criteria.

[Vasile v. Dean Witter Reynolds Inc., 20 F.Supp.2d 465 \(E.D. N.Y. 1998\)](#)

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

Extract

To state a claim for RICO damages, a plaintiff has two pleading burdens. First, a plaintiff has to 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.'

Summary

Necessary components for a RICO claim, which are applicable to the case at hand.

[Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#)

U.S. District Court — District of Maryland

Extract

In order for a civil RICO claim to survive a Rule 12(b)(6) motion to dismiss, plaintiff must allege “(1) conduct; (2) of an enterprise; (3) through a pattern; (4) of racketeering.” *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985). Plaintiff must additionally plead proximate cause, that is she was injured in her business or property “by reason of” the RICO violation. *Hemi Group, LLC v. City of New York, N.Y.*, 559 U.S. 1, 6, 130 S.Ct. 983, 175 L.Ed.2d 943 (2010).

Summary

Necessary elements for a civil RICO claim, which are generally applicable to any RICO case.

[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

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.

Summary

Se elements and emphasizes the need for a pattern of racketeering activity and the existence of an enterprise. The passage also highlights that RICO is concerned with organized, long-term, habitual criminal activity.

[Sheftelman v. Jones, 605 F.Supp. 549 \(N.D. Ga. 1984\)](#)

U.S. District Court — Northern District of Georgia

Extract

To state a claim for damages under RICO a plaintiff has two pleading burdens. He must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962, and that he was injured in his business or property by reason of a violation of section 1962, 18 U.S.C. § 1964. *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 (2d Cir.1983). Plaintiff must allege the existence of seven elements to satisfy the pleading burden under the substantive RICO statute: (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.

Summary

Necessary elements to establish a RICO claim, which include demonstrating a violation of the substantive RICO statute and an injury resulting from that violation. It specifies the need for a pattern of racketeering activity, involvement in an enterprise, and an effect on interstate commerce.

[Lockhart v. Deluca](#)

U.S. District Court — Eastern District of Michigan

Extract

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.

Summary

Essential elements required to establish a RICO claim: conduct, enterprise, pattern, and racketeering activity. It emphasizes that while RICO pleadings should be liberally construed, plaintiffs must still provide allegations that establish each of these elements. This framework is generally applicable to any RICO case, providing a foundational understanding of what constitutes a *prima facie* RICO claim.

[Miller v. Norfolk Southern Ry. Co., 183 F.Supp.2d 996 \(N.D. Ohio 2002\)](#)

U.S. District Court — Northern District of Ohio

Extract

Plaintiffs allege that defendants violated RICO, 18 U.S.C. § 1962(c), by engaging in a pattern of racketeering activity. Section 1962(c) provides: 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. To establish a violation of § 1962(c), plaintiffs must prove injury caused by a person who conducts the affairs of an enterprise through a pattern of racketeering activity. 18 U.S.C. § 1962(c). The elements of a RICO claim are: 1) two or more predicate offenses; 2) the existence of an enterprise; 3) a nexus between the pattern of racketeering activity and the enterprise; and 4) resulting injury to business or property.

Summary

Necessary elements to establish a RICO claim under 18 U.S.C. § 1962(c): (1) two or more predicate offenses, (2) the existence of an enterprise, (3) a nexus between the pattern of racketeering activity and the enterprise, and (4) resulting injury to business or property. These elements are essential for determining whether a *prima facie* RICO claim exists.

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

Extract

To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... 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.... To establish such a pattern of racketeering activity, 'a plaintiff must plead at least two predicate acts, show that the acts are related and that they amount to, or pose a threat of, continuing criminal activity.' *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

Summary

Necessary elements to establish a RICO claim, which include demonstrating that the defendant committed two or more acts of racketeering activity that form a pattern, are related, and pose a threat of continuing criminal activity. The passage also emphasizes the need for the plaintiff to allege that the defendant participated in an enterprise affecting interstate or foreign commerce. This framework is applicable to the question of whether the complaint constitutes a *prima facie* RICO claim.

[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.

Summary

Elements required to establish a RICO claim under 18 U.S.C. § 1962(c), which are: (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity. It also clarifies that an enterprise can be any group of individuals associated in fact, and a pattern of racketeering activity requires at least two predicate acts within a ten-year period. This information is essential for determining whether the allegations in the complaint meet the criteria for a RICO claim.

[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: '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.' 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.

Summary

To establish a prima facie RICO claim, a plaintiff must allege that the defendants committed at least two predicate acts of racketeering activity, which can include mail fraud, wire fraud, and other offenses. The passage also highlights the necessity of demonstrating a pattern of racketeering activity, which is satisfied by alleging two acts of racketeering. This aligns with the requirements outlined in the RICO statute, 18 U.S.C. § 1961 et seq.

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

U.S. District Court — Southern District of California

Extract

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

Summary

Necessary elements for a RICO claim, which include conduct, enterprise, pattern, racketeering activity, and injury. The passage also clarifies that a pattern of racketeering activity requires at least two predicate acts that are related and continuous.

[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... The statutory pattern reveals eight elements that are critical to a RICO claim: *Moss v. Morgan Stanley Inc.*, 719 F.2d 5, 17 (2d Cir.1983); *Taylor v. Bear Stearns & Co.*, 572 F.Supp. 667, 682 (N.D.Ga.1983)... 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).

Summary

Elements necessary for a RICO claim, emphasizing that RICO applies broadly to any pattern of racketeering activity, not just organized crime. It also highlights the need for specific allegations of fraud to be stated with

particularity, as required by Rule 9(b) of the Federal Rules of Civil Procedure.

[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

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.' ... 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.' ... 'Racketeering activity' includes mail and wire fraud. See 18 U.S.C.A. § 1961(1)(B).

Summary

Essential elements required to establish a civil RICO claim: (1) a person, (2) an enterprise, (3) a pattern of racketeering activity, and (4) conduct of the enterprise's affairs through the pattern of racketeering activity. Additionally, the passage notes that the injury and causation components are viewed as standing requirements. The passage also clarifies that racketeering activity includes mail and wire fraud, which are relevant to the case at hand.

[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; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in

connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons).

Summary

The RICO statute defines "racketeering activity" to include acts such as mail fraud, wire fraud, and obstruction of justice, which are relevant to the allegations in the complaint. The complaint alleges acts that fall under these categories, suggesting that the elements of a RICO claim may be present.

[28 U.S.C. § 1331 28 U.S.C. § 1331 Federal Question](#)

Extract

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Summary

28 U.S.C. § 1331 grants federal district courts original jurisdiction over civil actions that arise under federal laws, such as the RICO statute. This means that if a RICO claim is properly pleaded, the federal court has the authority to hear the case. The passage confirms that the court has jurisdiction over the RICO claim presented in the complaint.

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

Extract

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of

such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

Summary

Legal basis for evaluating whether the defendants' actions constitute a RICO violation.

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

Extract

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

Summary

The U.S. Code provides a civil remedy for individuals injured in their business or property due to a violation of section 1962, which includes RICO violations. The passage confirms that a person can sue in federal court and recover treble damages and attorney's fees if they can establish a violation of section 1962. This is relevant to determining whether the plaintiff in the complaint has a prima facie RICO claim, as it outlines the potential remedies available if such a claim is established.

[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

The Court rejected a narrow reading of the phrase 'pattern of racketeering activity,' holding that it does not require proof of 'multiple illegal schemes' or that the predicate acts be 'indicative of an organized crime perpetrator.' Instead, the Court settled on a broad meaning for 'pattern of racketeering' that requires a 'plaintiff or prosecutor [merely to] prove [a] continuity of racketeering activity, or its threat, simpliciter.'

Summary

The RICO statute is interpreted broadly, allowing for a pattern of racketeering activity to be established without the need for multiple illegal schemes or organized crime indicators. This broad interpretation supports

the idea that a series of related acts over a substantial period can constitute a pattern of racketeering activity under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (49) These requirements, referred to as the 'continuity plus relationship' test, (50) must be proven independently, but the Court has recognized that evidence establishing the two elements will often overlap. (51) In *H.J. Inc.*, the Court looked to a provision of the Organized Crime Control Act of 1970 (52) for guidance in defining the relationship component of the pattern requirement of RICO: '[c]riminal 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.' (53) The 'continuity' component is met by either closed-ended continuity, defined as 'a series of related predicates extending over a substantial period of time,' (54) or open-ended continuity, defined as conduct that poses a threat of continued criminal activity.

Summary

To establish a RICO claim, the plaintiff must demonstrate a "pattern of racketeering activity," which involves proving both "continuity" and "relationship" among the predicate acts. The passage explains that continuity can be either closed-ended (a series of related predicates over a substantial period) or open-ended (conduct posing a threat of continued criminal activity). The relationship component requires that the acts have similar purposes, results, participants, victims, or methods, or are otherwise interrelated.

[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.

Summary

Clear framework for evaluating whether the elements of a RICO claim have been met.

[Insurance Fraud is a Violent Crime.](#)

Insurance Advocate - CINN Group, Inc. - 2024-03-01

Extract

RICO CONSPIRACY The essence of a RICO conspiracy is the existence of an agreement to violate RICO's substantive provisions. RICO conspiracy was established by proof of: (a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering.

Summary

Elements necessary to establish a RICO conspiracy: an agreement to join a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and involvement in or intent to involve two or more predicate acts of racketeering. This is relevant to determining whether the complaint in question constitutes a prima facie RICO claim, as it provides the criteria for establishing a RICO conspiracy.

[RICO: A Primer](#)

Extract

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. 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: ... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission. The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

Detailed explanation of what constitutes a RICO enterprise and a pattern of racketeering activity. It explains that a RICO enterprise can be any group of individuals associated in fact, and that the pattern of racketeering activity requires more than two predicate acts, needing proof of continuity and relationship. The passage also clarifies that the racketeering acts need not be similar but must be related to the enterprise's affairs. The continuity requirement can be satisfied by showing either closed-ended or open-ended continuity.

[RICO: A Primer](#)

Extract

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

Elements necessary to establish a RICO claim under Section 1962(c). These elements include the existence of an enterprise, the enterprise's engagement in or effect on interstate or foreign commerce, the defendant's association with the enterprise, the defendant's participation in the conduct of the enterprise's affairs, and the defendant's participation through a pattern of racketeering activity. The provided complaint seems to address these elements by alleging the existence of an enterprise involving the defendants, their engagement in activities affecting interstate commerce, and their participation in a pattern of racketeering activity.

This memo was compiled by Vincent AI based on vLex materials available as of June 19, 2025. [View full answer on vLex](#)