

Question

Morgan Michelle Myers and Daniel Kenneth Branthoover collaborated over a 17-month period with the common goal of preparing fraudulent documents to influence Texas courts and remove Charles Dustin Myers from his home. An enterprise under RICO can be any group of individuals associated in fact, even if it is not a formal legal entity, as long as it has a common purpose and functions as a continuing unit. (*United States v. Turkette*, 452 U.S. 576 (1981)). The collaboration between Morgan and Daniel, with a shared goal and coordinated actions over an extended period, constitutes an "association-in-fact" enterprise under RICO.

Answer (U.S. Federal)

Short response

Based on the established statutory and case law interpretation of RICO, the 17-month collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover with the shared goal of preparing fraudulent documents to influence Texas courts likely constitutes an "association-in-fact" enterprise under RICO. Their prolonged relationship with a common purpose, coordinated actions, and sufficient longevity meets the three structural features required for an association-in-fact enterprise as established in *United States v. Turkette*, 452 U.S. 576 (1981) and further clarified in *Boyle v. United States*, 556 U.S. 938 (2009).

Summary

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) defines an "enterprise" broadly to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity" ([18 U.S.C. § 1961\(4\)](#)). The Supreme Court has consistently interpreted this definition expansively, establishing that an association-in-fact enterprise requires three essential structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose. The alleged 17-month collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover, characterized by a common goal of preparing fraudulent documents to influence Texas courts and coordinated actions over an extended period, satisfies these requirements.

The courts have consistently maintained that an association-in-fact enterprise under RICO does not require a formal legal structure, hierarchical organization, or chain of command. Rather, the focus is on whether the individuals are associated together for a common purpose of engaging in a course of conduct, functioning as a continuing unit with sufficient longevity to accomplish their objectives. In this case, Morgan and

Daniel's alleged 17-month collaboration with the specific goal of creating fraudulent documents to influence Texas courts and remove Charles Dustin Myers from his home demonstrates the purpose, relationship, and longevity necessary to establish an association-in-fact enterprise under RICO, even without a formal legal structure connecting them.

Background and Relevant Law

Legislation

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) provides the statutory framework for addressing organized criminal activity. Two key provisions are particularly relevant to assessing whether Morgan Michelle Myers and Daniel Kenneth Branthover's alleged collaboration constitutes an association-in-fact enterprise under RICO.

First, [18 U.S.C. § 1961\(4\)](#) defines an "enterprise" under RICO. According to this provision, 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." This definition explicitly recognizes that a group of individuals associated in fact, even without forming a legal entity, can constitute an enterprise under RICO.

Second, [18 U.S.C. § 1962](#) outlines prohibited activities under RICO. This section makes it unlawful for "any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." It also prohibits any person employed by or associated with any enterprise from conducting or participating in the enterprise's affairs through a pattern of racketeering activity.

Case Law

The Supreme Court and lower federal courts have extensively interpreted what constitutes an "association-in-fact" enterprise under RICO. The landmark case is *United States v. Turkette*, 452 U.S. 576 (1981), where the Supreme Court established the foundation for understanding association-in-fact enterprises. In *Turkette*, the Court stated that an enterprise "is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct... [This element] is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

The Supreme Court further clarified the requirements for an association-in-fact enterprise in *Boyle v. United States*, 556 U.S. 938 (2009). In *Boyle*, the Court established that "an association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." Importantly, the Court in *Boyle* explicitly rejected the requirement that an association-in-fact enterprise must have

"an ascertainable structure beyond that inherent in the pattern of racketeering activity."

Recent case law continues to apply and elaborate on these principles. In [McGillvary v. Scutari, 23-cv-22605-JMY \(D. N.J. Dec 23, 2024\)](#), the court reaffirmed that an association-in-fact RICO enterprise requires three features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The court also noted that "the very concept of an association in fact is expansive, in keeping with RICO's directive that its terms are to be liberally construed to effectuate its remedial purposes."

Similarly, in [United States v. Denava](#) (N.D. Ill. 2023), the court emphasized that all that is required to establish a RICO enterprise is "evidence of an ongoing organization, formal or informal, and ... evidence that the various associates function as a continuing unit."

In [United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#), the court reiterated that the definition of enterprise under RICO is "obviously broad" and that "the term 'any' ensures that the definition has a wide reach." The court further clarified that "an association-in-fact enterprise is simply a continuing unit that functions with a common purpose."

Additional cases provide further guidance on what constitutes an association-in-fact enterprise. In [Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#), the court noted that an association-in-fact enterprise "can be proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

In [In re Juul Labs, Inc., Mktg., Sales Practices, & Prods. Liab. Litig., 497 F.Supp.3d 552 \(N.D. Cal. 2020\)](#), the court emphasized that an "associated-in-fact enterprise under RICO does not require any particular organizational structure, separate or otherwise," and can be made up of parts of an otherwise legitimate business entity.

The court in [Bd. of Managers of Trump Tower at City Ctr. Condo. v. Palazzolo, 346 F.Supp.3d 432 \(S.D. N.Y. 2018\)](#) explained that an association-in-fact enterprise means "a group of persons associated together for a common purpose of engaging in a course of conduct," which "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

In [United States v. Fisher, Case No. 15-20652 \(E.D. Mich. Aug 27, 2018\)](#), the court stated that an association-in-fact racketeering enterprise "must be a continuing unit that functions with a common purpose" and must have "a purpose, relationships among those associated with the racketeering enterprise, and longevity sufficient to permit these associates to pursue the racketeering enterprises' purpose."

The court in [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#) noted that "an association-in-fact enterprise is simply a continuing unit that functions with a common purpose and course of conduct." The

court further clarified that although each member of the enterprise must share this common purpose, "the enterprise concept is broad" and an association need not have a "hierarchical structure," a "chain of command," or any formalized procedures.

In [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#), the court stated that a RICO enterprise is characterized by "continuity, unity, shared purpose and identifiable structure" and requires proof of three elements: "(1) an ongoing organization; (2) associates functioning as a continuing unit; and (3) the enterprise is an entity 'separate and apart from the pattern of activity in which it engages.'"

In [Empire Title Servs., Inc. v. Fifth Third Mortg. Co., CASE NO. 1:10cv2208 \(N.D. Ohio Mar 29, 2013\)](#), the court reiterated that an association-in-fact enterprise must have a structure bearing three features: "(1) 'a purpose,' (2) 'relationships among those associated with the enterprise,' and (3) 'longevity sufficient to permit these associates to pursue the enterprise's purpose.'"

Earlier cases also support this interpretation. In [United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#), the court noted that the RICO statute's terms are to be "liberally construed to effectuate its remedial purposes" and identified the same three structural features for an association-in-fact RICO enterprise.

In [Aarp v. American Family Prepaid Legal Corp., Inc., 604 F.Supp.2d 785 \(M.D. N.C. 2009\)](#), the court described an association-in-fact RICO enterprise as "a group of persons associated together for a common purpose of engaging in a course of conduct" that is characterized by "continuity, unity, shared purpose and identifiable structure."

The court in [U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422 \(E.D. N.Y. 2007\)](#) emphasized that "there is no restriction upon the associations embraced by the definition: an enterprise includes any union or group of individuals associated in fact," including both legitimate ventures and wholly criminal organizations.

In [U.S. v. Battle, 473 F.Supp.2d 1185 \(S.D. Fla. 2006\)](#), the court stated that an enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct.... [This element] is proved by evidence of an on going organization, formal or informal, and by evidence that the various associates function as a continuing unit."

An older case, [Standard Chlorine of Delaware, Inc. v. Sinibaldi, 821 F.Supp. 232 \(D. Del. 1992\)](#), listed the essential elements of a RICO enterprise as "(1) the enterprise is an ongoing organization, with some form of structure which is used in making and carrying out decisions; (2) the enterprise members function as a continuing unit with established duties; and (3) the enterprise has an existence separate from the pattern of racketeering activity in which it engages."

In [Ris v. Bedell, 699 F.Supp. 429 \(S.D. N.Y. 1988\)](#), the court emphasized the requirement of "continuity plus relationship" with respect to the RICO enterprise, defining it as a "group associated 'for a common purpose of

engaging in a course of conduct' which 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'"

Secondary Materials

Secondary materials further clarify the requirements for establishing an association-in-fact enterprise under RICO. In "[Insurance Fraud is a Violent Crime](#)" (2024-03-01), it is stated that a RICO conspiracy is 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."

"[Civil Rico: A Tool of Advocacy](#)" (2024-01-01) explains that a violation of § 1962(c) requires "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." It further reiterates the statutory definition of "enterprise" as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity."

In "[Corporate Criminal Liability: End It, Don't Mend It](#)" (2022-06-22), it is noted that RICO imposes liability on persons "employed by or associated with" organized-crime syndicates or other RICO "enterprises" who "conduct, or participate in the conduct of, the [enterprise's] affairs" through a "pattern of racketeering activity." It also highlights the Supreme Court's interpretation in *United States v. Turkette*, which allows for purely illegitimate groups to be considered RICO enterprises.

"RECONCEIVING COERCION-BASED CRIMINAL DEFENSES" (2022-03-22) discusses the "pattern of racketeering activity" element of RICO, noting that criminal conduct forms a pattern if it involves criminal acts with "the same or similar purposes, results, participants, victims, or methods of commission," or are otherwise interrelated and not isolated events. The Supreme Court characterized this as a "relationship" element and added a "continuity" element, referring to "a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition."

Several editions of "RICO: A Primer" (2022-01-31) and "[Racketeer influenced and corrupt organizations](#)" (2011-03-22, 2010-03-22, 2009-03-22, 2008-03-22, 2007-03-22, 2005-03-22) consistently state that a RICO enterprise includes any group of individuals associated in fact, even if not a legal entity, and that courts have interpreted "enterprise" broadly to capture both legitimate and illegitimate enterprises. They emphasize that an association-in-fact under RICO must have a shared purpose, continuity, and unity.

In "[RICO - the rejection of an economic motive requirement](#)" (1995-03-22), it is noted that the Supreme Court in *Turkette* defined an enterprise as "a

group of persons associated together for a common purpose of engaging in a course of conduct," without requiring an economic motive.

"[Rico and the Prime: Taking a Bite Out of Crime?](#)" (1991) states that there is no requirement that the enterprise be criminal in character, and that the enterprise need not be formally organized; it may be an "association-in-fact."

"[Chapter 4. Elements of Cause of Action](#)" and "[Chapter Five: The Racketeer Influenced and Corrupt Organizations \(RICO\) Statute, 18 U.S.C. §§ 1961-1968](#)" both reiterate that an enterprise includes any group of individuals associated in fact, even if not a legal entity, and that an association-in-fact enterprise must have a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associations to pursue the enterprise's purpose.

Analysis

Based on the statutory provisions and case law interpretation, the collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover likely constitutes an "association-in-fact" enterprise under RICO if the alleged facts are proven. The analysis focuses on whether their collaboration satisfies the three structural features required for an association-in-fact enterprise: (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose.

A Common Purpose

The first requirement for an association-in-fact enterprise is a common purpose. According to the allegations, Morgan Michelle Myers and Daniel Kenneth Branthoover collaborated with "the common goal of preparing fraudulent documents to influence Texas courts and remove Charles Dustin Myers from his home." This clearly demonstrates a shared purpose between the two individuals, as required by *Boyle v. United States*, 556 U.S. 938, 946 (2009) and reaffirmed in cases such as [McGillvary v. Scutari, 23-cv-22605-JMY \(D. N.J. Dec 23, 2024\)](#).

The Supreme Court in *United States v. Turkette*, 452 U.S. 576, 583 (1981) defined an enterprise as "a group of persons associated together for a common purpose of engaging in a course of conduct." Here, the alleged common purpose was specific: to prepare fraudulent documents to influence Texas courts with the ultimate goal of removing Charles Dustin Myers from his home. This specific, shared objective satisfies the "purpose" requirement for an association-in-fact enterprise.

Moreover, as noted in [In re Juul Labs, Inc., Mktg., Sales Practices, & Prods. Liab. Litig., 497 F.Supp.3d 552 \(N.D. Cal. 2020\)](#), "an associated-in-fact enterprise under RICO does not require any particular organizational structure, separate or otherwise." Therefore, the lack of a formal organization between Morgan and Daniel does not preclude finding a common purpose sufficient to establish an association-in-fact enterprise.

Relationships Among Associates

The second requirement is the existence of relationships among those associated with the enterprise. The alleged collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover over a 17-month period suggests an ongoing relationship between the two individuals focused on their common goal. This relationship is evidenced by their coordinated actions over an extended period, as noted in the facts.

In [United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#), the court emphasized that "an association-in-fact enterprise is simply a continuing unit that functions with a common purpose." The 17-month collaboration between Morgan and Daniel, characterized by coordinated actions to achieve a common goal, demonstrates the continuing unit functionality required to establish relationships among associates in an association-in-fact enterprise.

Additionally, [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#) clarified that an association need not have a "hierarchical structure," a "chain of command," or any formalized procedures. This aligns with the Supreme Court's holding in Boyle v. United States, 556 U.S. 938 (2009) that rejected the requirement for "an ascertainable structure beyond that inherent in the pattern of racketeering activity." Therefore, even without a formal organizational structure, the ongoing collaboration and coordination between Morgan and Daniel over 17 months likely satisfies the relationship requirement for an association-in-fact enterprise.

Sufficient Longevity

The third requirement is longevity sufficient to permit the associates to pursue the enterprise's purpose. The alleged collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover lasted for 17 months, which is a substantial period that demonstrates sufficient longevity to accomplish their common goal.

As stated in [Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#), an association-in-fact enterprise requires "longevity sufficient to permit these associates to pursue the enterprise's purpose." The 17-month period of collaboration provides ample time for Morgan and Daniel to pursue their alleged purpose of preparing fraudulent documents to influence Texas courts and remove Charles Dustin Myers from his home.

Additionally, [United States v. Denava](#) (N.D. Ill. 2023) emphasized that all that is required is "evidence of an ongoing organization, formal or informal, and ... evidence that the various associates function as a continuing unit." The extended period of collaboration between Morgan and Daniel, coupled with their coordinated actions toward a specific goal, suggests they functioned as a continuing unit with sufficient longevity to establish an association-in-fact enterprise under RICO.

Pattern of Racketeering Activity

While not explicitly part of the definition of an association-in-fact enterprise, it is worth noting that a RICO violation also requires a "pattern of racketeering activity." According to "RECONCEIVING COERCION-BASED CRIMINAL DEFENSES" (2022-03-22), criminal conduct forms a pattern if it involves criminal acts with "the same or similar purposes, results, participants, victims, or methods of commission," or are otherwise interrelated and not isolated events.

The alleged preparation of fraudulent documents to influence Texas courts could potentially constitute predicate acts under RICO, particularly if they involve mail or wire fraud. The coordinated effort over 17 months suggests multiple acts rather than isolated incidents, potentially satisfying the "pattern" requirement if the specific acts qualify as racketeering activities.

As noted in "[Insurance Fraud is a Violent Crime](#)" (2024-03-01), a RICO conspiracy is established by proof of an agreement to join a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and involvement in two or more predicate acts of racketeering. The alleged collaboration between Morgan and Daniel appears to satisfy these elements, assuming the fraudulent documents constitute predicate acts under RICO.

Separation from The Pattern of Racketeering Activity

Some cases, such as [Standard Chlorine of Delaware, Inc. v. Sinibaldi, 821 F.Supp. 232 \(D. Del. 1992\)](#), have required that "the enterprise has an existence separate from the pattern of racketeering activity in which it engages." However, this requirement has been relaxed in subsequent cases, particularly after Boyle v. United States, 556 U.S. 938 (2009), which rejected the need for "an ascertainable structure beyond that inherent in the pattern of racketeering activity."

As noted in [United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#), the Supreme Court in Boyle identified several structural features that must be possessed by an association-in-fact RICO enterprise: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The collaboration between Morgan and Daniel satisfies these structural features, which is sufficient to establish an association-in-fact enterprise under current RICO jurisprudence.

Exceptions and Caveats

While the collaboration between Morgan Michelle Myers and Daniel Kenneth Branthover likely constitutes an association-in-fact enterprise under RICO based on the provided materials, there are several caveats to consider.

First, as noted in [Klapper v. Commonwealth Realty Trust, 657 F.Supp. 948 \(D. Del. 1987\)](#), "an 'association in fact' enterprise does not fall within the

RICO definition of a 'person,' since an 'association in fact' is not 'capable of holding a legal or beneficial interest in property,' as required by [18 U.S.C. § 1961](#)(3)." This means that while each participant (Morgan and Daniel) may be a "person" liable under RICO, the association itself cannot be. This distinction is important for understanding who or what can be held liable under RICO.

Second, establishing an association-in-fact enterprise is only one element of a RICO violation. As stated in "[Civil Rico: A Tool of Advocacy](#)" (2024-01-01), a violation of § 1962(c) requires "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." Therefore, even if Morgan and Daniel's collaboration constitutes an association-in-fact enterprise, a RICO violation would still require proof of a pattern of racketeering activity, which depends on whether their actions qualify as predicate acts under RICO.

Third, while the broad interpretation of "enterprise" under RICO allows for finding an association-in-fact enterprise in this case, it is important to note that each RICO case is fact-specific. The strength of the evidence regarding the common purpose, relationships, and longevity would be critical in determining whether Morgan and Daniel's collaboration actually constitutes an association-in-fact enterprise.

Fourth, as mentioned in [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#), a RICO enterprise requires proof of three elements, including that "the enterprise is an entity 'separate and apart from the pattern of activity in which it engages.'" While Boyle v. United States, 556 U.S. 938 (2009) relaxed the requirement for a formal structure, there still needs to be some distinction between the enterprise itself and the pattern of racketeering activity. This distinction may be subtle in cases like this, where the association exists primarily for allegedly illegitimate purposes.

Conclusion

Based on the statutory provisions and case law interpretation, the 17-month collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover with the common goal of preparing fraudulent documents to influence Texas courts and remove Charles Dustin Myers from his home likely constitutes an "association-in-fact" enterprise under RICO.

The collaboration satisfies the three structural features required for an association-in-fact enterprise as established in United States v. Turkette, 452 U.S. 576 (1981) and further clarified in Boyle v. United States, 556 U.S. 938 (2009): (1) a purpose, as evidenced by their common goal; (2) relationships among associates, as demonstrated by their coordinated actions over an extended period; and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose, as shown by the 17-month duration of their collaboration.

The broad and inclusive definition of "enterprise" under [18 U.S.C. § 1961](#)(4), coupled with the courts' consistent interpretation that an association-in-fact enterprise does not require a formal legal structure or hierarchical organization, supports the conclusion that Morgan and Daniel's

collaboration constitutes an enterprise under RICO. Their alleged actions, if proven, represent precisely the type of coordinated criminal activity that RICO was designed to address.

While establishing an association-in-fact enterprise is just one element of a RICO violation, and a complete RICO case would require additional proof of a pattern of racketeering activity through specific predicate acts, the collaboration between Morgan and Daniel appears to satisfy the enterprise requirement based on the provided materials. The courts have consistently emphasized that RICO's terms should be "liberally construed to effectuate its remedial purposes," and the broad interpretation of "enterprise" aligns with this directive.

In conclusion, the collaboration between Morgan Michelle Myers and Daniel Kenneth Branthoover, characterized by a common purpose, coordinated actions, and sufficient longevity, likely constitutes an "association-in-fact" enterprise under RICO as interpreted by the courts.

Legal Authorities

[Empire Title Servs., Inc. v. Fifth Third Mortg. Co., CASE NO. 1:10cv2208 \(N.D. Ohio Mar 29, 2013\)](#)

U.S. District Court — Northern District of Ohio

Extract

An association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.' United States v. Turkette, 452 U.S. 576, 583 (1981). To show an association-in-fact, a plaintiff must show '[an] ongoing organization, formal or informal, and... that the various associates function as a continuing unit.' Id. More specifically, an association-in-fact enterprise must have a structure bearing three features: (1) 'a purpose,' (2) 'relationships among those associated with the enterprise,' and (3) 'longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle v. United States, 556 U.S. 938, 946 (2009).

Summary

Criteria for establishing an association-in-fact enterprise under RICO, as defined by the U.S. Supreme Court in Turkette and Boyle. It specifies that such an enterprise must have a common purpose, relationships among associates, and sufficient longevity to pursue its purpose. These criteria align with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an association-in-fact enterprise.

[Aarp v. American Family Prepaid Legal Corp., Inc., 604 F.Supp.2d 785 \(M.D. N.C. 2009\)](#)

U.S. District Court — Middle District of North Carolina

Extract

Under RICO, two categories of associations can fulfill the 'enterprise' requirement: legal entities (such as corporations and partnerships); and 'any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). The latter is known as an 'association-in-fact' RICO enterprise. The Supreme Court has described it as 'a group of persons associated together for a common purpose of engaging in a course of conduct.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981). A RICO enterprise is characterized by 'continuity, unity, shared purpose and identifiable structure.' United States v. Fiel, 35 F.3d 997, 1003 (4th Cir.1994) (internal citations and quotation marks omitted).

Summary

Clear definition of what constitutes an "association-in-fact" enterprise under RICO, emphasizing the need for a common purpose, continuity, unity, and identifiable structure. It references the Supreme Court's description in United States v. Turkette, which is directly relevant to the proposition. The passage supports the idea that Morgan and Daniel's collaboration over 17 months with a shared goal could be considered an "association-in-fact" enterprise under RICO.

[Standard Chlorine of Delaware, Inc. v. Sinibaldi, 821 F.Supp. 232 \(D. Del. 1992\)](#)

U.S. District Court — District of Delaware

Extract

The essential elements of a civil RICO claim are '(1) the existence of a RICO 'enterprise'; (2) the existence of 'a pattern of racketeering activity'; (3) a nexus between the defendant, the pattern of racketeering activity or the RICO 'enterprise'; and (4) resulting injury to plaintiff, in his business or property.' Klapper v. Commonwealth Realty Trust, 657 F.Supp. 948, 953 (D.Del.1987). In addition, to establish the existence of a RICO enterprise, a plaintiff must demonstrate that (1) the enterprise is an ongoing organization, with some form of structure which is used in making and carrying out decisions; (2) the enterprise members function as a continuing unit with established duties; and (3) the enterprise has an existence separate from the pattern of racketeering activity in which it engages. United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528-29, 69 L.Ed.2d 246 (1981); accord United States v. Riccobene, 709 F.2d 214, 221 (3d Cir.), cert. denied, 464 U.S. 849, 104 S.Ct. 157, 78 L.Ed.2d 145 (1983); Seville Indus. Machinery, 742 F.2d at 789-90.

Summary

Essential elements required to establish a RICO enterprise, which includes the existence of an ongoing organization with a structure for decision-making, members functioning as a continuing unit, and an existence separate from the pattern of racketeering activity. This supports the proposition that Morgan and Daniel's collaboration over a 17-month period, with a common goal and coordinated actions, could constitute an "association-in-fact" enterprise under RICO.

[U.S. v. Battle, 473 F.Supp.2d 1185 \(S.D. Fla. 2006\)](#)

U.S. District Court — Southern District of Florida

Extract

An analysis of the issue must begin with the definition of 'enterprise' under the RICO statute. For RICO purposes, an 'enterprise' '[i]ncludes 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). In *United States v. Turkette*, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), the United States Supreme Court stated: 'The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct [This element] is proved by evidence of an on going organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

The definition of an "enterprise" under RICO includes any group of individuals associated in fact, even if not a legal entity, as long as they have a common purpose and function as a continuing unit. The passage references the Supreme Court's decision in *United States v. Turkette*, which supports the idea that an informal association with a common goal can constitute an enterprise under RICO. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal could be considered an "association-in-fact" enterprise.

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

U.S. District Court — Southern District of Texas

Extract

RICO defines an enterprise as 'any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Plambeck, 802 F.3d at 673

(quoting 18 U.S.C. § 1961(4)) (internal quotation marks omitted). Accordingly, a RICO enterprise can be either a legal entity or an association-in-fact... When the alleged enterprise is an association-in-fact enterprise, the plaintiff must show evidence of: (1) an existence separate and apart from the pattern of racketeering; (2) ongoing organization; and (3) members that function as a continuing unit as shown by a hierarchical or consensual, decision-making structure... An association-in-fact enterprise is simply a continuing unit that functions with a common purpose and course of conduct. Boyle, 556 U.S. at 950, 129 S.Ct. 2237. Although each member of the enterprise must also share this common purpose, Michael Kent Plambeck, 2014 WL 1303000, at *3, the enterprise concept is broad. Boyle, 556 U.S. at 949, 129 S.Ct. 2237. An association need not have a 'hierarchical structure,' a 'chain of command,' or any formalized procedures. Id. at 948, 129 S.Ct. 2237.

Summary

Requirements for such an enterprise, including a common purpose and functioning as a continuing unit. The collaboration between Morgan and Daniel, with a shared goal and coordinated actions over an extended period, aligns with these requirements, supporting the proposition that their actions constitute an "association-in-fact" enterprise under RICO.

[Bd. of Managers of Trump Tower at City Ctr. Condo. v. Palazzolo, 346 F.Supp.3d 432 \(S.D. N.Y. 2018\)](#)

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

Extract

A RICO enterprise is defined as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). ... An association-in-fact enterprise means 'a group of persons associated together for a common purpose of engaging in a course of conduct,' which 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981). This type of RICO enterprise 'must have at least three structural features: [1] a purpose, [2] relationships among those associated with the enterprise, and [3] longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle v. United States, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009).

Summary

An "association-in-fact" enterprise under RICO is defined by a common purpose, relationships among associates, and sufficient longevity to pursue the enterprise's purpose. The passage supports the proposition by explaining that such an enterprise does not need to be a formal legal entity

and can be established through informal organization and ongoing collaboration, as long as it meets the structural features outlined in the case law.

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

U.S. District Court — District of Maryland

Extract

There may be multiple persons whose association with the same RICO enterprise gives rise to multiple violations of Section 1962(c). "Enterprise," as set forth in 18 U.S.C. § 1961(4), "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 RICO enterprise is characterized by "'continuity, unity, shared purpose and identifiable structure.'" United States v. Fiel, 35 F.3d 997, 1003 (4th Cir. 1994) (citation omitted). An "enterprise" requires proof of three elements: (1) an ongoing organization; (2) associates functioning as a continuing unit; and (3) the enterprise is an entity "separate and apart from the pattern of activity in which it engages." ... An association-in-fact enterprise is not defined by a formal legal structure, but is instead characterized by the association of its members "for a common purpose of engaging in a course of conduct." United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981).

Summary

Characteristics of a RICO enterprise, including continuity, unity, shared purpose, and identifiable structure. It also emphasizes that an association-in-fact enterprise is characterized by the association of its members for a common purpose of engaging in a course of conduct. This directly supports the proposition that Morgan Michelle Myers and Daniel Kenneth Branthoover's collaboration over a 17-month period with a shared goal and coordinated actions could constitute an "association-in-fact" enterprise under RICO.

[U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422 \(E.D. N.Y. 2007\)](#)

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

Extract

RICO broadly defines an 'enterprise' as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). In United States v. Turkette, 452 U.S. 576, 580, 101 S.Ct. 2524,

69 L.Ed.2d 246 (1981), the Supreme Court recognized that '[t]here is no restriction upon the associations embraced by the definition: an enterprise includes any union or group of individuals associated in fact,' including both legitimate ventures and wholly criminal organizations.

Summary

RICO's definition of an "enterprise" is broad and includes any group of individuals associated in fact, even if not a legal entity. This aligns with the proposition that Morgan and Daniel's collaboration, with a shared goal and coordinated actions, can be considered an "association-in-fact" enterprise under RICO. The passage supports the idea that such an enterprise can be formed for both legitimate and criminal purposes, which is relevant to the alleged fraudulent activities.

[United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#)

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

Extract

The RICO statute makes it unlawful for 'any person employed by or associated with any enterprise' whose activities affect interstate or foreign commerce 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). The statute further defines 'enterprise' to include 'any ... group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). As the Supreme Court has observed, the 'enumeration of included enterprises is obviously broad,' and 'the term 'any' ensures that the definition has a wide reach.' Boyle v. United States, 556 U.S. 938, 944, 129 S.Ct. 2237, 173 L.Ed. 2d 1265 (2009) (citations omitted); see also United States v. Gershman, 31 F. 4th 80, 96 (2d Cir. 2022) ('Congress defined 'enterprise' for purposes of RICO broadly.'). '[A]n association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle, 556 U.S. at 946, 129 S.Ct. 2237. An association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981) ; United States v. Pierce, 785 F.3d 832, 838 (2d Cir. 2015) ('[A]n association-in-fact enterprise is simply a continuing unit that functions with a common purpose.' (quoting Boyle, 556 U.S. at 948, 129 S.Ct. 2237)).

Summary

The passage explains that under RICO, an "enterprise" can include any group of individuals associated in fact, even if not a legal entity, as long as they have a common purpose and function as a continuing unit. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise under

RICO. The passage also highlights the broad interpretation of "enterprise" under RICO, supporting the idea that their actions could fall under this definition.

[In re Juul Labs, Inc., Mktg., Sales Practices, & Prods. Liab. Litig., 497 F.Supp.3d 552 \(N.D. Cal. 2020\)](#)

U.S. District Court — Northern District of California

Extract

An associated in fact enterprise has three elements: (1) a common purpose, (2) a structure or organization, and (3) longevity necessary to accomplish the purpose. Boyle v. United States, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). ... And an 'associated-in-fact enterprise under RICO does not require any particular organizational structure, separate or otherwise,' and can be made up of parts of an otherwise legitimate business entity. Odom, 486 F.3d at 551.

Summary

Elements required to establish an "association-in-fact" enterprise under RICO, which includes a common purpose, a structure or organization, and longevity necessary to accomplish the purpose. It also clarifies that such an enterprise does not require a formal organizational structure and can consist of parts of a legitimate business entity. This supports the proposition that Morgan and Daniel's collaboration over a 17-month period with a common goal could constitute an "association-in-fact" enterprise under RICO.

[O'Connor v. Snyder, Civ. 1:22-CV-1607 \(M.D. Pa. Sep 19, 2023\)](#)

U.S. District Court — Middle District of Pennsylvania

Extract

An " 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). "[A]n association-in-fact enterprise must have at least three structural features: [1] a purpose, [2] relationships among those associated with the enterprise, and [3] longevity sufficient to permit these associates to pursue the enterprise's purpose." Boyle v. United States, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009).

Summary

An "association-in-fact" enterprise under RICO does not need to be a formal legal entity. It can be any group of individuals with a common purpose, relationships among them, and sufficient longevity to pursue their purpose. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal could constitute such an enterprise.

[United States v. Fisher, Case No. 15-20652 \(E.D. Mich. Aug 27, 2018\)](#)

U.S. District Court — Eastern District of Michigan

Extract

An association-in-fact racketeering enterprise, as alleged in the present indictment, must be 'a continuing unit that functions with a common purpose.' United States v. Turkette, 452 U.S. 576 (1981). It must have at least three structural features: 'a purpose, relationships among those associated with the racketeering enterprise, and longevity sufficient to permit these associates to pursue the racketeering enterprises' purpose.' Boyle v. United States, 556 US 938, 946 (2009).

Summary

Requirements for an association-in-fact enterprise under RICO, as established by the Supreme Court in United States v. Turkette and further clarified in Boyle v. United States. It specifies that such an enterprise must have a common purpose, relationships among associates, and sufficient longevity to pursue its purpose. This directly supports the proposition that Morgan and Daniel's collaboration over 17 months, with a shared goal and coordinated actions, could constitute an association-in-fact enterprise under RICO.

[United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#)

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

Extract

Under RICO, an enterprise 'includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity[.]' 18 U.S.C. § 1961(4). 'This enumeration of included enterprises is obviously broad, encompassing 'any... group of individuals associated in fact.' Boyle v. United States, ___ U.S. ___, 129 S.Ct. 2237, 2243, 173 L.Ed.2d 1265 (2009) (quoting § 1961(4)). The RICO statute provides that its terms are to be 'liberally construed to effectuate its remedial purposes.' ... The Boyle Court identified several structural features that must be possessed by an association-in-fact

RICO enterprise: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id. at 2244.

Summary

The passage from *United States v. Larson* discusses the broad definition of a RICO enterprise, which includes any group of individuals associated in fact, even if not a legal entity. It emphasizes that such an enterprise must have a purpose, relationships among associates, and sufficient longevity to pursue its purpose. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a common goal could constitute an "association-in-fact" enterprise under RICO.

[Ris v. Bedell, 699 F.Supp. 429 \(S.D. N.Y. 1988\)](#)

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

Extract

A RICO 'enterprise' is defined as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). Since *Sedima*, this circuit has emphasized its requirement of 'continuity plus relationship' with respect to the RICO enterprise, defining it as a 'group associated `for a common purpose of engaging in a course of conduct' which 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

A RICO enterprise can be any group of individuals associated in fact, even if not a legal entity, as long as they have a common purpose and function as a continuing unit. The passage emphasizes the requirement of "continuity plus relationship," which aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise under RICO.

[Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#)

U.S. District Court — Western District of Tennessee

Extract

The Supreme Court has not defined the outer boundaries of a RICO enterprise, but has explained that 'an enterprise includes any union or group of individuals associated in fact' and that RICO reaches 'a group of persons

associated together for a common purpose of engaging in a course of conduct.' Boyle v. United States, 556 U.S. 938, 944 (2009) (citing United States v. Turkette, 452 U.S. 576, 580, 583 (1985)). This sort of enterprise can be proven by 'evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Turkette, 452 U.S. at 583. '[A]n association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle, 556 U.S. at 946.

Summary

An "association-in-fact" enterprise under RICO does not require a formal legal entity but can be any group of individuals associated for a common purpose and functioning as a continuing unit. The passage cites Supreme Court cases that define the structural features necessary for such an enterprise, which include a purpose, relationships among associates, and longevity. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal could constitute an "association-in-fact" enterprise under RICO.

[United States v. Denava](#)

U.S. District Court — Northern District of Illinois

Extract

All that is required is 'evidence of an ongoing organization, formal or informal, and ... evidence that the various associates function as a continuing unit.'

Summary

The passage from *United States v. Denava* emphasizes that a RICO enterprise can be established with evidence of an ongoing organization, whether formal or informal, and that the associates function as a continuing unit. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a common goal can constitute an "association-in-fact" enterprise under RICO. The passage supports the idea that the lack of a formal legal entity does not preclude the existence of a RICO enterprise, as long as there is a common purpose and coordinated actions.

[McGillvary v. Scutari, 23-cv-22605-JMY \(D. N.J. Dec 23, 2024\)](#)

U.S. District Court — District of New Jersey

Extract

An 'enterprise' as defined by statute includes: 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). Thus, an 'association-in-fact' RICO enterprise requires three features: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle v. United States, 556 U.S. 938, 946 (2009) ('[T]he very concept of an association in fact is expansive[,] in keeping with RICO's directive that 'its terms are to be liberally construed to effectuate its remedial purposes.').

Summary

The passage defines an "enterprise" under RICO as including any group of individuals associated in fact, even if not a legal entity. It specifies that an association-in-fact requires a purpose, relationships among those involved, and sufficient longevity to pursue the enterprise's purpose. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a common goal constitutes an association-in-fact enterprise under RICO.

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

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

Extract

The court concludes here that there is no requirement that the common or shared purpose of the 'RICO enterprise' in fact be the criminal or injurious scheme of which the plaintiff complains, or even that the common or shared purpose be illegal activity aimed at this or other victims; the enterprise need only have a common or shared purpose, which may be legal or otherwise, and may be related to the predicate acts or not, as the case may be, as well as the other organizational characteristics of an enterprise, continuity of structure and structure distinct from that inherent in a pattern of racketeering activity...

Summary

A RICO enterprise does not necessarily need to have an illegal or injurious purpose. It only needs a common or shared purpose, which can be legal or otherwise, and must exhibit organizational characteristics such as continuity of structure. This supports the proposition that Morgan and Daniel's collaboration, with a shared goal and coordinated actions over an extended period, could constitute an "association-in-fact" enterprise under RICO, even if their shared purpose was not explicitly illegal.

[Klapper v. Commonwealth Realty Trust, 657 F.Supp. 948 \(D. Del. 1987\)](#)

U.S. District Court — District of Delaware

Extract

The rationale for this holding is the Seventh Circuit's discussion of the relationship between an 'association in fact' and a 'person' under the statute. That court stated that an 'association in fact' enterprise does not fall within the RICO definition of a 'person,' since an 'association in fact' is not 'capable of holding a legal or beneficial interest in property,' as required by 18 U.S.C. § 1961(3). Thus, 'in the association in fact situation, each participant in the enterprise may be a `person' liable under RICO, but the association itself cannot be.' Haroco v. American National Bank & Trust Co., 747 F.2d at 401.

Summary

An "association-in-fact" under RICO does not need to be a formal legal entity capable of holding property. Instead, it can consist of individuals who collaborate with a common purpose. This supports the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal can be considered an "association-in-fact" enterprise under RICO.

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

Extract

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

Summary

The statute makes it unlawful to engage in or conspire to engage in a pattern of racketeering activity to acquire or maintain control of an enterprise. This aligns with the proposition that Morgan and Daniel's collaboration over a 17-month period, with the goal of preparing fraudulent documents, could be considered a pattern of racketeering activity. The statute also supports the idea that an "association-in-fact" enterprise can exist without being a formal legal entity, as long as it has a common purpose and functions as a continuing unit.

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

Extract

As used in this chapter... 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

Summary

The passage from 18 U.S.C. § 1961 provides a definition of "enterprise" under the RICO statute. It explicitly states that an "enterprise" can include "any union or group of individuals associated in fact although not a legal entity." This supports the proposition that Morgan Michelle Myers and Daniel Kenneth Branthoover's collaboration, even if informal, could be considered an "association-in-fact" enterprise under RICO, as long as they had a common purpose and functioned as a continuing unit.

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

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

Extract

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

Summary

The Supreme Court, in United States v. Turkette, defined an "enterprise" under RICO as a group of individuals associated together for a common purpose of engaging in a course of conduct, without requiring an economic motive. This broad interpretation supports the idea that Morgan and Daniel's collaboration, with a shared goal and coordinated actions, could constitute an "association-in-fact" enterprise under RICO.

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

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

Extract

and any union or group of individuals associated in fact although not a legal entity." This language is expansive; the word "includes" renders the statutory list illustrative, not exhaustive. See, e.g., Boyle v. United States, 556 U.S. 938, 944 & n.2 (2009) ("The statute does not specifically define the outer boundaries of the 'enterprise' concept but states that the term '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.' . . . This provision does not purport to set out an exhaustive definition of the term 'enterprise.'"); United States v. Turkette, 452 U.S. 576 (1981), the Supreme Court ruled that the term "enterprise" encompasses both legitimate and illegitimate organizations without distinction. The Turkette Court also identified three characteristics of any RICO enterprise. An enterprise, it declared, "is proved [first] by evidence of an ongoing organization, formal or informal, and [second] by evidence that the various associates function as a continuing unit."

Summary

The passage from the guide explains that an "enterprise" under RICO can include any group of individuals associated in fact, even if not a legal entity, as long as they have a common purpose and function as a continuing unit. The Supreme Court's decision in United States v. Turkette supports this interpretation by stating that an enterprise can be both legitimate and illegitimate and must be evidenced by an ongoing organization and associates functioning as a continuing unit. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise under RICO.

Racketeer influenced and corrupt organizations.

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

Extract

In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. (97) ... Recently, in Boyle v. United States, (100) the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.' (101) ... According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. (111) As a result, courts have found a broad array of groups and organizations to constitute associations-in-fact. (112)

Summary

An association-in-fact under RICO does not require a formal structure beyond the pattern of racketeering activity. The Supreme Court has clarified that any group with a shared purpose, continuity, and unity can be considered an association-in-fact. This supports the proposition that Morgan and Daniel's collaboration over 17 months with a common goal can be seen as an association-in-fact enterprise under RICO.

[Chapter Five: The Racketeer Influenced and Corrupt Organizations \(RICO\) Statute, 18 U.S.C. §§ 1961-1968](#)

Business Torts Litigation. Fifth Edition - American Bar Association - Robert W. Dibert

Extract

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... In this case the plaintiff asserts that the enterprise is an association in fact instead of a structured organization, and that the enterprise is composed of [describe components of alleged association-in-fact]. I instruct you that such an association-in-fact may be considered an enterprise, provided that it is a group of persons associated for a common purpose of engaging in a course of conduct, and has at least three structural features: (a) a purpose, (b) relationships among those associated with the enterprise, and (c) longevity sufficient to permit these associations to pursue the

Summary

Such an association must have a common purpose, relationships among its members, and sufficient longevity to pursue its objectives. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

Informal relationships among entities may suffice to create an 'associated-in-fact' enterprises. (95) The grouping of entities may be a legal or illegal association. (96) In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. (97) ... Recently, in Boyle v. United States, (100) the Supreme Court clarified that RICO association-in-

fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.' (101) ... According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. (111)

Summary

An "association-in-fact" under RICO can be formed by informal relationships among individuals or entities, as long as they have a shared purpose, continuity, and unity. The Supreme Court has clarified that such enterprises do not need a formal structure beyond the pattern of racketeering activity. This supports the proposition that Morgan and Daniel's collaboration, with a shared goal and coordinated actions, could constitute an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' (68) It is immaterial whether the defendant has a stake in the operation of the enterprise because individuals outside of a business may assist the business in attaining its illegal goals. (69)... A RICO enterprise need not be part of a formal relationship. (85) A combination of different entities can constitute an enterprise within the meaning of RICO, (86)... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, (88) and some goals separate from the predicate acts themselves. (89)

Summary

Broad interpretation of what constitutes an "enterprise" under RICO, emphasizing that it can include any group of individuals associated in fact, even if not a formal legal entity. It highlights that the enterprise must have a shared purpose, continuity, unity, and an identifiable structure. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a common goal could be considered an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its groups must have a common or shared purpose, and there must be at least some continuity of structure or personnel. ... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, and some goals separate from the predicate acts themselves.

Summary

The group must have a shared purpose, continuity, unity, and an identifiable structure, which aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise.

Racketeer influenced and corrupt organizations.

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' (75) A defendant need not have a stake in the operation of the enterprise but instead may be an individual outside of the enterprise who assists the enterprise in attaining its illegal goals. (76)... When the enterprise is an association-in-fact without a legal existence, the government must make the more difficult showing that the constituent entities 'associated together for a common purpose of engaging in a course of conduct.' (107) According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. (108)

Summary

An "enterprise" under RICO can include any group of individuals associated in fact, even if not a legal entity, as long as they share a common purpose and engage in a course of conduct. The passage also clarifies that individuals outside the enterprise can assist in achieving its illegal goals. This supports the proposition that Morgan and Daniel's collaboration over 17 months, with a shared goal and coordinated actions, could constitute an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

an 'enterprise.' (70) 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.' (71) It is immaterial whether the defendant has a stake in the operation of the enterprise because individuals outside of a business may assist the business in attaining its illegal goals. (72)... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, (92) and some goals separate from the predicate acts themselves. (93)... The existence of an association-in-fact requires the more difficult showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.' (102) According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. (103)

Summary

An "enterprise" under RICO can include any group of individuals associated in fact, even if not a legal entity, as long as they have a shared purpose, continuity, unity, and an identifiable structure. The passage also emphasizes that the existence of an association-in-fact requires a group of persons associated together for a common purpose of engaging in a course of conduct. This aligns with the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal constitutes an "association-in-fact" enterprise under RICO.

[Vol. 4 No. 3 Pg. 7 Rico and the Prime: Taking a Bite Out of Crime?](#)

Utah Bar Journal - Utah State Bar - 1991-00-00

Extract

The plaintiff must next demonstrate the existence of an 'enterprise.' There is no requirement that the enterprise be criminal in character; the enterprise may be a legitimate business, such as a bank or a bank holding company. Indeed, even the office of state governor has been found to be an enterprise subject to RICO. Nor must the enterprise be formally organized; it may be an 'association-in-fact.' The enterprise may be the perpetrator, instrument, victim or prize of the fraud. The enterprise must be distinguished from the pattern of racketeering activity. Notwithstanding, the same evidence may be used to establish both the pattern and the existence of the enterprise.

Summary

An enterprise under RICO does not need to be a formal legal entity or criminal in nature. It can be any group of individuals associated in fact with a common purpose. This supports the proposition that Morgan and Daniel's collaboration over 17 months with a shared goal can be considered an "association-in-fact" enterprise under RICO.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded... Section 1961(4) defines "enterprise" as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity."

Summary

Essential elements required to establish a RICO violation under § 1962(c), including the need for an "enterprise," which can be a group of individuals associated in fact, even if not a legal entity. This supports the proposition that Morgan and Daniel's collaboration could constitute an "association-in-fact" enterprise under RICO, as they had a common purpose and coordinated actions over an extended period.

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

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

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.' ... Although it was originally quite doubtful that purely criminal organizations could constitute RICO enterprises, the Supreme Court has long endorsed that expansive interpretation, which breathed new life into RICO by allowing prosecutors to go directly after organized criminals without awaiting efforts to infiltrate

legitimate businesses. See *United States v. Turkette*, 452 U.S. 576, 587 (1981) (holding that purely illegitimate groups can constitute RICO enterprises).

Summary

The passage explains that RICO can apply to individuals associated with enterprises that conduct affairs through a pattern of racketeering activity. It highlights the Supreme Court's interpretation in *United States v. Turkette*, which allows for purely illegitimate groups to be considered RICO enterprises. This supports the proposition that Morgan and Daniel's collaboration, with a common goal and coordinated actions, could be seen as an "association-in-fact" enterprise under RICO.

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

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

Extract

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, which includes an agreement to join a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and involvement in two or more predicate acts of racketeering. This directly supports the proposition that Morgan and Daniel's collaboration over 17 months, with a shared goal and coordinated actions, could constitute an "association-in-fact" enterprise under RICO, as it suggests they may have engaged in a racketeering scheme with the intent to achieve its goals.

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

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

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the

same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.¹ The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

For an enterprise to be considered under RICO, there must be a pattern of racketeering activity, which includes a relationship and continuity element. The relationship element requires that the criminal acts have similar purposes, results, participants, or methods, while the continuity element requires repeated conduct over a period or conduct that threatens future repetition. The collaboration between Morgan and Daniel over 17 months with a common goal fits these criteria, as it involves repeated and coordinated actions with a shared purpose.

[RICO: A Primer](#)

Extract

A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.'¹ Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative.

Summary

The definition of a RICO enterprise is broad and includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that Morgan and Daniel's collaboration over a 17-month period with a common goal can be considered an "association-in-fact" enterprise under RICO. The passage emphasizes that both legitimate and illegitimate enterprises can fall under this definition, which aligns with the alleged fraudulent activities in the proposition.

[RICO: A Primer](#)

Extract

A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.'¹ Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and

illegitimate enterprises. The statutory list is not exhaustive but merely illustrative.

Summary

The definition of a RICO enterprise is broad and includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that Morgan and Daniel's collaboration could be considered an "association-in-fact" enterprise under RICO, as their actions align with the broad interpretation of an enterprise.

This memo was compiled by Vincent AI based on vLex materials available as of June 14, 2025. [View full answer on vLex](#)