

Question

The Plaintiff described an “association-in-fact enterprise” with defined roles, ongoing coordination, and operational security measures, functioning over an 18-month period. A RICO enterprise may be an “association-in-fact” that is “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, 946 (2009)). The judge’s order did not address the Plaintiff’s detailed allegations regarding the structure and ongoing operations of the alleged enterprise, including: - “The enterprise functioned as a continuing unit from December 2023 through May 2025, with consistent roles and coordinated actions throughout this period.” (Complaint ¶ 91(iii)) - “The enterprise was maintained through several key mechanisms: Continuous Communication... Financial Support... Operational Security Measures... Geographic Distribution...” (Complaint ¶ 92) By failing to address these allegations, the judge did not properly consider whether the Plaintiff had plausibly alleged the existence of an enterprise distinct from the racketeering acts, as required by RICO.

Answer (U.S. Federal)

Short response

The Plaintiff’s detailed allegations regarding the structure, roles, and ongoing operations of the alleged association-in-fact enterprise, if true, are sufficient under established RICO jurisprudence to plausibly allege the existence of an enterprise distinct from the pattern of racketeering activity. The judge’s failure to address these specific allegations means the order did not properly consider whether the Plaintiff met the pleading requirements for a RICO enterprise.

Summary

Under federal RICO law, an “association-in-fact enterprise” must possess three structural features: a common purpose, relationships among those associated, and sufficient longevity to pursue that purpose. The Plaintiff’s complaint, describing an 18-month operation with defined roles, ongoing coordination, and operational mechanisms, aligns with the Supreme Court’s requirements for pleading such an enterprise.

The judge’s omission of any analysis of these detailed allegations is inconsistent with controlling authority, which requires courts to assess whether the Plaintiff has plausibly alleged an enterprise that is distinct from the racketeering acts themselves. The Plaintiff’s factual assertions, if credited, would satisfy the low threshold for pleading an association-in-fact enterprise under RICO, and the court should have addressed them directly.

Background and Relevant Law

Statutory Framework

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO), codified at 18 U.S.C. §§ 1961–1968, defines “enterprise” to include “any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity” (18 U.S.C. § 1961(4)), as discussed in [Wilhite v. Littlelight, CV 19-20-BLG-TJC \(D. Mont. Feb 03, 2023\)](#) and [United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#). This definition is intentionally broad and encompasses both formal and informal organizations, including groups of individuals associated in fact.

Supreme Court and Circuit Precedent

The Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) clarified the requirements for an “association-in-fact enterprise.” The Court held that such an 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. The Court emphasized that an association-in-fact enterprise need not have a hierarchical structure, fixed roles, a name, regular meetings, or other formal indicia of organization; rather, it must function as a continuing unit with a common purpose.

This standard has been consistently applied by lower courts. For example, the Third Circuit in [Spirits v. Ragghianti, 23-2913 \(3rd Cir. Jun 26, 2024\)](#) reiterated that a RICO claim must plausibly allege the existence of an enterprise with the structural attributes identified in [Boyle](#): shared purpose, relationships, and sufficient longevity. Similarly, the Second Circuit in [United States v. Gershman, 31 F.4th 80 \(2nd Cir. 2022\)](#) and [United States v. Pierce, 785 F.3d 832 \(2nd Cir. 2015\)](#) confirmed that an association-in-fact enterprise is simply a continuing unit that functions with a common purpose, without the need for a rigid hierarchy.

The requirement that the enterprise be distinct from the pattern of racketeering activity is also well established. The Supreme Court in [United States v. Turkette, 452 U.S. 576 \(1981\)](#) (as cited in [Boyle](#) and numerous lower court decisions) held that the enterprise is an entity separate and apart from the pattern of activity in which it engages, and its existence must be established independently.

Analysis

1. The Plaintiff’s Allegations and the [Boyle](#) Standard

The Plaintiff’s complaint alleges that the enterprise functioned as a continuing unit from December 2023 through May 2025, with consistent roles and coordinated actions, and was maintained through mechanisms such as continuous communication, financial support, operational security,

and geographic distribution. These allegations directly address the three structural features required by [Boyle](#):

- **Purpose:** The Plaintiff alleges a common purpose—presumably the objective underlying the racketeering activity—which is sufficient under [Boyle](#) and its progeny ([Boyle v. United States, 556 U.S. 938 \(2009\)](#); [United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#)).
- **Relationships:** The complaint describes defined roles and ongoing coordination, indicating relationships among those associated with the enterprise ([Wilhite v. Littlelight, CV 19-20-BLG-TJC \(D. Mont. Feb 03, 2023\)](#); [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#)).
- **Longevity:** The alleged 18-month period of operation, with consistent activity and structure, satisfies the requirement of sufficient longevity to pursue the enterprise’s purpose ([Spirits v. Ragghianti, 23-2913 \(3rd Cir. Jun 26, 2024\)](#); [Dynarex Corp. v. Farrah, 18 CV 7072 \(VB\) \(S.D. N.Y. May 28, 2019\)](#)).

The Supreme Court in [Boyle](#) specifically rejected the need for additional structural features such as a hierarchical structure, fixed roles, or formal indicia of organization ([Boyle v. United States, 556 U.S. 938 \(2009\)](#); [Nesbitt v. Regas, No. 13 C 8245 \(N.D. Ill. Mar 20, 2015\)](#)). The Plaintiff’s allegations, which go beyond the minimum required by describing operational security and coordination, are more than sufficient to meet the pleading standard.

2. Distinctness from the Pattern of Racketeering Activity

A critical element under RICO is that the enterprise must be distinct from the pattern of racketeering activity ([United States v. Bergin, No. 10-2204 \(3rd Cir. Apr 12, 2011\)](#); [Chapter 4. Elements of Cause of Action](#)). The Plaintiff’s complaint alleges a structured, ongoing organization with mechanisms for maintaining the enterprise, which is separate from the specific racketeering acts. This distinction is essential and is supported by both Supreme Court and circuit precedent ([United States v. Turkette, 452 U.S. 576 \(1981\)](#); [Boyle v. United States, 556 U.S. 938 \(2009\)](#); [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#)).

Secondary materials reinforce this point, emphasizing that the existence of the enterprise is a separate element from the pattern of racketeering activity, and that the group must have a mechanism for directing its affairs on an ongoing basis ([Racketeer influenced and corrupt organizations. \(2011-03-22\)](#); [RICO: A Primer \(2022-01-31\)](#)).

3. The Low Threshold for Pleading an Association-in-Fact Enterprise

Courts have recognized that the threshold for pleading an association-in-fact enterprise is not high. As noted in [Hemmerdinger Corp. v. Ruocco, 976 F.Supp.2d 401 \(E.D. N.Y. 2013\)](#), [Boyle](#) establishes a low threshold for such allegations. The Plaintiff’s detailed factual assertions regarding the structure and operations of the enterprise, if taken as true at the pleading stage, are sufficient to survive a motion to dismiss.

4. The Judge’s Failure to Address the Allegations

Given the controlling authority, the judge’s failure to address the Plaintiff’s specific allegations regarding the structure and ongoing operations of the alleged enterprise is a significant omission. Courts are required to assess whether the Plaintiff has plausibly alleged the existence of an enterprise with the requisite structural features, distinct from the racketeering acts ([Spirits v. Ragghianti, 23-2913 \(3rd Cir. Jun 26, 2024\)](#); [Wilhite v. Littlelight, CV 19-20-BLG-TJC \(D. Mont. Feb 03, 2023\)](#)). By not engaging with these allegations, the judge did not properly apply the legal standard.

5. No Requirement for Formal Structure or Hierarchy

The Plaintiff’s allegations of defined roles, ongoing coordination, and operational security measures are more than what is required under [Boyle](#) and its progeny. Courts have repeatedly held that an association-in-fact enterprise need not have a formal structure, hierarchy, or fixed roles ([United States v. Pierce, 785 F.3d 832 \(2nd Cir. 2015\)](#); [SAAP Energy v. Bell, CASE NO. 1:12-CV-00098 \(W.D. Ky. Aug 28, 2013\)](#); [In re Insurance Brokerage Antitrust Litig., 618 F.3d 300 \(3rd Cir. 2010\)](#)). The Plaintiff’s description of operational mechanisms and coordination only strengthens the plausibility of the enterprise’s existence.

6. Distinctness and the “Enterprise” Element

The requirement that the enterprise be distinct from the racketeering activity is not a mere formality. As explained in [Delta Truck & Tractor, Inc. v. J.I. Case Co., 855 F.2d 241 \(5th Cir. 1988\)](#) and [Racketeer influenced and corrupt organizations.](#) (2005-03-22), the enterprise must have an existence separate and apart from the pattern of racketeering, be an ongoing organization, and function as a continuing unit. The Plaintiff’s allegations of continuous communication, financial support, and operational security measures over an extended period are precisely the type of facts that courts have found sufficient to establish this element.

7. Circuit Variations and Consistency

While some circuits have historically required more specific indicia of structure, the Supreme Court in [Boyle](#) abrogated any requirement for a hierarchical structure or fixed roles ([Nesbitt v. Regas, No. 13 C 8245 \(N.D. Ill. Mar 20, 2015\)](#)). The Plaintiff’s allegations, which include both formal and informal mechanisms for maintaining the enterprise, are consistent with the current, controlling standard.

8. Negative Treatment of [Beauford v. Helmsley](#)

It should be noted that [Beauford v. Helmsley, 843 F.2d 103 \(2nd Cir. 1988\)](#) was stated as vacated by [Wilson v. Askew, 709 F.Supp. 146 \(W.D. Ark. 1989\)](#). However, the principles for defining an enterprise in Beauford are consistent with those later adopted and clarified by the Supreme Court in [Boyle](#) and are therefore still instructive, though not independently controlling.

Exceptions and Caveats

There may be rare cases where a plaintiff's allegations, even if detailed, are so conclusory or internally inconsistent that they fail to plausibly allege the existence of an enterprise. However, where, as here, the Plaintiff has provided specific factual allegations regarding the structure, roles, and ongoing operations of the alleged enterprise, courts are generally required to accept those allegations as true at the pleading stage and assess whether they meet the [Boyle](#) standard.

Additionally, while the enterprise must be distinct from the pattern of racketeering activity, the proof necessary to establish each element may overlap, and the existence of the enterprise may be inferred from the way the group operates ([Chapter 4. Elements of Cause of Action; Racketeer influenced and corrupt organizations.](#) (2010-03-22)).

Conclusion

The Plaintiff's detailed allegations regarding the structure, roles, and ongoing operations of the alleged association-in-fact enterprise are sufficient, if true, to plausibly allege the existence of a RICO enterprise distinct from the racketeering acts. The judge's failure to address these allegations is inconsistent with controlling Supreme Court and circuit authority, which require courts to assess whether the Plaintiff has met the low threshold for pleading an association-in-fact enterprise. The Plaintiff's complaint, describing an 18-month operation with defined roles, coordination, and operational mechanisms, aligns with the requirements set forth in [Boyle](#) and its progeny, and should have been analyzed accordingly.

Legal Authorities

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

U.S. Supreme Court

Extract

Relying largely on *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246, the District Court instructed the jury that to establish a RICO association-in-fact "enterprise," the Government must prove (1) an ongoing organization with a framework, formal or informal, for carrying out its objectives, and (2) that association members functioned as a continuing unit to achieve a common purpose. The court also told the jury that an association-in-fact's existence is often more readily proved by what it does than by abstract analysis of its structure... From the terms of RICO, it is apparent 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.

Summary

The passage from Boyle v. United States clarifies that a RICO association-in-fact enterprise does not need a formal structure but must have a purpose, relationships among its members, and sufficient longevity to achieve its purpose. The Plaintiff's allegations of an enterprise with defined roles, ongoing coordination, and operational security measures align with these requirements. The passage supports the proposition that the Plaintiff's description of the enterprise meets the criteria for an association-in-fact under RICO.

[United States v. Bergrin, 707 F.Supp.2d 503 \(D. N.J. 2010\)](#)

U.S. District Court — District of New Jersey

Extract

The existence of an enterprise is a distinct statutory element from the pattern and must be established in its own right. Boyle v. United States, --- U.S. ----, 129 S.Ct. 2237, 2245, 173 L.Ed.2d 1265 (2009). The RICO statute 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." 18 U.S.C. § 1961(4) (emphasis added). ... As the Boyle Court succinctly stated, "'an association-in-fact enterprise is a group of persons associated together for a common purpose of engaging in a course of conduct.' " Boyle, 129 S.Ct. at 2244 (quoting United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981)) (emphasis added). By definition, this association-in-fact enterprise must have a structure. Id. "From the terms of RICO, it is apparent 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." Id.

Summary

The passage emphasizes that an "association-in-fact enterprise" under RICO must have a structure, which includes a purpose, relationships among those associated, and longevity. This aligns with the Plaintiff's allegations of a structured enterprise with defined roles and ongoing operations. The passage supports the proposition that the judge should have considered whether the Plaintiff's detailed allegations met the RICO requirements for an enterprise distinct from the pattern of racketeering acts.

[United States v. Bergrin, No. 10-2204 \(3rd Cir. Apr 12, 2011\)](#)

U.S. Court of Appeals — Third Circuit

Extract

The Supreme Court held in *United States v. Turkette*, 452 U.S. 576, 583 (1981)—and reaffirmed in *Boyle v. United States*, 129 S. Ct. 2237, 2244 (2009)—that such an '[association-in-fact] enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct,' and it 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit... separate and apart from the pattern of activity in which it engages.' In *Boyle*, the Court added 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.' 129 S. Ct. at 2244.

Summary

The passage references the Supreme Court's definition of an "association-in-fact" enterprise, which includes the need for a common purpose, ongoing organization, and functioning as a continuing unit. These elements align with the Plaintiff's allegations of a structured and coordinated enterprise. The passage also emphasizes that an enterprise must be distinct from the pattern of racketeering activity, which supports the Plaintiff's argument that the judge failed to consider the distinct nature of the alleged 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

Legal definition and description of an "association-in-fact" enterprise under RICO, emphasizing the need for continuity, unity, shared purpose, and identifiable structure. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination. The

passage supports the proposition by highlighting the characteristics that the Plaintiff claims to have demonstrated in their complaint.

[Nesbitt v. Regas, No. 13 C 8245 \(N.D. Ill. Mar 20, 2015\)](#)

U.S. District Court — Northern District of Illinois

Extract

An association-in-fact enterprise must have an ascertainable structure with '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 v. United States, 556 U.S. 938, 946 (2009). The Supreme Court in Boyle rejected inferring additional structural requirements, such as a 'hierarchical structure,' 'fixed roles' for its members, 'name, regular meetings, dues, established rules and regulations, disciplinary procedures, or induction or initiation ceremonies.' Id. at 948. In doing so, the Supreme Court abrogated a body of Seventh Circuit case law that required RICO enterprises to have a more discernable structure through hierarchical organization or leadership.

Summary

The Supreme Court in Boyle v. United States clarified the requirements for an "association-in-fact" enterprise under RICO. The Court emphasized that such an enterprise must have a purpose, relationships among its members, and sufficient longevity to pursue its purpose. The Court also rejected the need for additional structural features like a hierarchical structure or fixed roles. This supports the proposition that the Plaintiff's allegations of a structured and ongoing enterprise over an 18-month period could meet the requirements for an "association-in-fact" enterprise under RICO.

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

U.S. District Court — District of Maryland

Extract

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

The passage from Chambers v. King Buick GMC, LLC discusses the characteristics and requirements of a RICO enterprise, specifically an "association-in-fact" enterprise. It highlights the need for continuity, unity, shared purpose, and identifiable structure, which aligns with the Plaintiff's allegations of a structured and ongoing enterprise. The passage also emphasizes that an enterprise must be distinct from the pattern of racketeering activity, which supports the Plaintiff's argument that the judge failed to consider whether the alleged enterprise was distinct from the racketeering acts.

[United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#)

U.S. District Court — Northern District of Illinois

Extract

The Supreme Court has defined an enterprise associated in fact as 'simply a continuing unit that functions with a common purpose.' Boyle v. United States, 556 U.S. 938, 948 (2009). The absence of the structural attributes of a more formal enterprise is not material. United States v. Olson, 450 F.3d 655, 664 (7th Cir. 2006) ('We have held that in informal organizations such as criminal groups, there 'must be some structure, to distinguish an enterprise from a mere conspiracy, but there need not be much.'). An enterprise includes 'any union or group of individuals associated in fact,' which is to say, 'associated together for a common purpose of engaging in a course of conduct.' Boyle v. United States, 556 U.S. 938, 944 (2009) (quoting United States v. Turkette, 452 U.S. 576, 583 (1981)); Volpendesto, 746 F.3d at 284. The purpose may be illegitimate. Turkette, 452 U.S. at 587. What is required is '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; United States v. Hosseini, 679 F.3d 544, 558 (7th Cir. 2012) (RICO enterprise requires purpose, relationships, and longevity).

Summary

The passage from United States v. Chester provides a detailed explanation of what constitutes an "association-in-fact" enterprise under RICO, as defined by the Supreme Court in Boyle v. United States. It emphasizes that such an enterprise is a continuing unit with a common purpose, and it does not require formal structural attributes. The passage also highlights the necessity of having a purpose, relationships, and longevity to qualify as an enterprise. This directly supports the proposition that the Plaintiff's allegations of a structured and ongoing enterprise should have been considered by the judge.

[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

Broad definition of a RICO enterprise, emphasizing that an "association-in-fact" enterprise must have a purpose, relationships among those associated, and longevity. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise. The passage supports the proposition by highlighting that the definition of an enterprise under RICO is broad and includes groups with a common purpose, which the Plaintiff has alleged.

[Delta Truck & Tractor, Inc. v. J.I. Case Co., 855 F.2d 241 \(5th Cir. 1988\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The concept of continuity as a means of controlling the scope of RICO has also been incorporated into the enterprise element of section 1962. 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. Sec. 1961(4). In United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528-29, 69 L.Ed.2d 246 (1981), the Supreme Court stressed that continuity is a necessary attribute

of an association-in-fact enterprise. We have incorporated this notion of continuity into our definition of such enterprises. An association-in-fact enterprise (1) must have an existence separate and apart from the pattern of racketeering, (2) must be an ongoing organization and (3) its members must function as a continuing unit as shown by a hierarchical or consensual decision making structure.

Summary

The concept of continuity is essential for defining an association-in-fact enterprise under RICO. The passage outlines that such an enterprise must have an existence separate from the racketeering acts, be an ongoing organization, and function as a continuing unit. These elements align with the Plaintiff's allegations of a structured and ongoing enterprise, which the judge allegedly failed to consider.

[Spirits v. Ragghianti, 23-2913 \(3rd Cir. Jun 26, 2024\)](#)

U.S. Court of Appeals — Third Circuit

Extract

But that breadth is not without limit. '[A] RICO claim must plead facts plausibly implying the existence of an enterprise with the structural attributes identified in Boyle: a shared 'purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id. at 369-70 (quoting Boyle v. United States, 556 U.S. 938, 946 (2009)).

Summary

For a RICO claim to be valid, it must include allegations that plausibly imply the existence of an enterprise with specific structural attributes: a shared purpose, relationships among those associated with the enterprise, and sufficient longevity to pursue the enterprise's purpose. This aligns with the Plaintiff's allegations of an association-in-fact enterprise with defined roles, ongoing coordination, and operational security measures over an 18-month period. The passage supports the proposition by emphasizing the need for structural attributes in a RICO enterprise, which the Plaintiff has alleged but the judge did not address.

[Whelan v. Winchester Production Co., 319 F.3d 225 \(5th Cir. 2003\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

Central to the district court's grant of summary judgment was its conclusion that Whelan failed to demonstrate an enterprise. An enterprise is a group of persons or entities associating together for the common purpose of engaging in a course of conduct. *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528, 69 L.Ed.2d 246 (1981). The enterprise may be a legal entity or 'any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4) (emphasis added). The plaintiff alleging an association-in-fact enterprise must adduce evidence demonstrating 'an ongoing organization, formal or informal, and ... evidence that the various associates function as a continuing unit'.

Summary

The definition of an "association-in-fact enterprise" under RICO requires evidence of an ongoing organization, whether formal or informal, and that the associates function as a continuing unit. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination over an 18-month period. The passage supports the proposition by emphasizing the need for evidence of continuity and organization, which the Plaintiff has alleged but the judge did not address.

[Beauford v. Helmsley, 843 F.2d 103 \(2nd Cir. 1988\)](#)

U.S. Court of Appeals — Second Circuit

Extract

If all we had then were Ianniello, this case would be easy; surely here an enterprise is alleged--an enterprise which meets the requirements of 18 U.S.C. Sec. 1961(4), defining 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.' The allegations also satisfy the standards of *United States v. Turkette*, 452 U.S. 576, 585-87, 101 S.Ct. 2524, 2529-31, 69 L.Ed.2d 246 (1981), which held that the definition of enterprise encompasses both legitimate and illegitimate endeavors, that an enterprise need not be involved in racketeering, and that there need be no relationship between the enterprise and the racketeering activity.

Summary

The definition of an "enterprise" under RICO is broad and includes both legitimate and illegitimate endeavors. The passage references the standards set by *United States v. Turkette*, which supports the idea that an enterprise can exist independently of the racketeering activity. This aligns with the proposition that the Plaintiff's allegations of an "association-in-fact"

"enterprise" with ongoing operations and structure should be considered as potentially constituting a RICO enterprise.

[Rao v. Bp Products North America, Inc., 589 F.3d 389 \(7th Cir. 2009\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The Supreme Court held in Boyle that an association-in-fact enterprise under RICO must have a 'structure,' although the jury need not receive an instruction in these terms. Boyle v. United States, ___ U.S. ___, 129 S.Ct. 2237, 2241, 173 L.Ed.2d 1265 (2009). The Court wrote 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.' Id. at 2244. However, it clarified that RICO enterprises are not limited to 'business-like entities' and that they need not have a hierarchical structure or a 'chain of command.'

Summary

The Supreme Court in Boyle clarified that an association-in-fact enterprise under RICO must have a structure with at least three features: a purpose, relationships among those associated, and longevity. This supports the proposition that the Plaintiff's allegations of a structured, ongoing enterprise with defined roles and coordination over an 18-month period could meet the structural requirements for a RICO enterprise. The passage also emphasizes that such enterprises do not need to be business-like or have a hierarchical structure, aligning with the Plaintiff's description of the enterprise.

[Furman v. Cirrito, 828 F.2d 898 \(2nd Cir. 1987\)](#)

U.S. Court of Appeals — Second Circuit

Extract

An enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct' and '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, 2528, 69 L.Ed.2d 246 (1981). This circuit requires that, under section 1962(c), the enterprise be a continuing operation and that the acts be related to the common purpose.

Summary

The definition of a RICO enterprise includes a group of persons associated for a common purpose, which must be demonstrated by evidence of an ongoing organization and functioning as a continuing unit. This aligns with the Plaintiff's allegations of an association-in-fact enterprise with defined roles and ongoing coordination. The passage supports the notion that the judge should have considered whether the Plaintiff's allegations met these criteria.

[Dynarex Corp. v. Farrah, 18 CV 7072 \(VB\) \(S.D. N.Y. May 28, 2019\)](#)

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

Extract

The RICO statute defines 'enterprise' as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' D'Addario v. D'Addario, 901 F.3d 80, 100 (2d Cir. 2018) (quoting 18 U.S.C. § 1961(4)). '[A]n association-in-fact enterprise is 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, 946 (2009) (internal quotation omitted). Courts expansively define the concept of an association-in-fact enterprise. See *id.* at 944. '[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.' *Id.* at 946.

Summary

Definition of an "association-in-fact enterprise" as interpreted by the U.S. Supreme Court in Boyle v. United States. It outlines the necessary structural features of such an enterprise: a common purpose, relationships among those involved, and sufficient longevity. These elements align with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination over an 18-month period. The passage supports the proposition by affirming that the Plaintiff's description of the enterprise fits within the legal framework of an "association-in-fact" as required by RICO.

[Dugan v. State Farm Mut. Ins. Co., Case No. CIV-17-1221-R \(W.D. Okla. Apr 03, 2018\)](#)

U.S. District Court — Western District of Oklahoma

Extract

The 'enterprise' element '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). The Supreme Court has reiterated the broad scope of a RICO enterprise. See Boyle v. United States, 556 U.S. 938, 944 (2009) ('This enumeration of included enterprises is obviously broad. . .'). Nonetheless, at a minimum—given that Plaintiffs do not discuss a partnership, corporation, or formal association among Defendants—Plaintiffs must plead a plausible 'association-in-fact enterprise.' Id. at 946. This '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.' Id.

Summary

The Supreme Court in Boyle v. United States has defined an "association-in-fact enterprise" as requiring a purpose, relationships among those associated, and longevity. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination. The passage supports the proposition by emphasizing the need for a structured enterprise distinct from the racketeering acts, which the Plaintiff has alleged but the judge did not address.

[Dell Inc. v. Mishra, CAUSE NO.: A-16-CV-00641-SS \(W.D. Tex. Aug 03, 2018\)](#)

U.S. District Court — Western District of Texas

Extract

RICO defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C.A. § 1961(4). If the alleged enterprise is an association-in-fact, the plaintiff must show evidence of an ongoing organization, formal or informal, and by evidence that the various associates in the enterprise function as a continuing unit with a common purpose. Boyle v. United States, 556 U.S. 938, 944-45 (2009). The Fifth Circuit also requires a plaintiff establish the association-in-fact enterprise (1) has an existence separate and apart from the pattern of racketeering, (2) is an ongoing organization and (3) has members that function as a continuing unit as shown by a hierarchical or consensual decision making structure.

Summary

Requirements for establishing an "association-in-fact" enterprise under RICO, as defined by 18 U.S.C.A. § 1961(4) and interpreted in Boyle v. United States. It emphasizes the need for an ongoing organization with a common

purpose, separate from the pattern of racketeering, and functioning as a continuing unit. This directly supports the proposition that the Plaintiff's allegations regarding the structure and operations of the enterprise should have been considered to determine if an enterprise distinct from the racketeering acts was plausibly alleged.

[Wilhite v. Littlelight, CV 19-20-BLG-TJC \(D. Mont. Feb 03, 2023\)](#)

U.S. District Court — District of Montana

Extract

Under RICO, an enterprise is defined to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). The existence of an enterprise is a separate element which must be established by Wilhite. *U.S. v. Turkette*, 452 U.S. 576, 583 (1981). An enterprise "is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages. *Id.* It "is proved by evidence of an ongoing organization, formal or informal, and by evidence that various associations function as a continuing unit." *Id.* ... "[A]n association-in-fact enterprise is '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, 946 (2009) (quoting *Turkette*, 452 U.S. at 583). Three structural features are required for an association-in-fact enterprise: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." *Id.*

Summary

Requirements for establishing an "association-in-fact" enterprise under RICO, as defined by 18 U.S.C. § 1961(4) and interpreted by the U.S. Supreme Court in cases like *Turkette* and *Boyle*. It emphasizes that an enterprise must be distinct from the pattern of racketeering activity and must have a purpose, relationships, and longevity. This supports the proposition that the Plaintiff's allegations regarding the structure and operations of the enterprise should have been considered to determine if an enterprise distinct from the racketeering acts was plausibly alleged.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

U.S. District Court — Southern District of Texas

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). The Fifth Circuit has interpreted this to mean 'an ongoing organization, formal or informal' along with evidence of associates functioning as a 'continuing unit.' ... The enterprise is not a pattern of racketeering activity, but must exist separate and apart from the pattern of racketeering activity in which it engages. *Whelan v. Winchester Production Co.*, 319 F.3d 225, 229 (5th Cir. 2003).

Summary

A RICO enterprise can be an "association-in-fact" and does not require a formal structure, as long as it functions as a "continuing unit" and exists separately from the pattern of racketeering activity. This supports the proposition that the Plaintiff's allegations of an "association-in-fact enterprise" with defined roles and ongoing coordination could meet the requirements for a RICO enterprise, as the Plaintiff described a structured and ongoing operation.

[SAAP Energy v. Bell, CASE NO. 1:12-CV-00098 \(W.D. Ky. Aug 28, 2013\)](#)

U.S. District Court — Western District of Kentucky

Extract

A RICO enterprise 'includes any individual, partnership, corporation, association, or other legal entity, and any union of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). The RICO concept of an enterprise is 'obviously broad, encompassing 'any... group of individuals associated in fact.'" *Boyle v. United States*, 556 U.S. 938, 944 (2009) (quoting 18 U.S.C. § 1961(4)). 'An enterprise... 'is proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Id. at 945 (quoting *United States v. Turkette*, 452 U.S. 576, 583 (1981)). To be an enterprise, the association-in-fact must have a structure. Id. The structure of an enterprise 'must have at least three... features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id. at 946. But 'this organizational structure need not be hierarchical, can make decisions on an ad hoc basis, and does not require the members to have fixed roles.' *Ouwinga*, 694 F.3d at 794. The plaintiff must simply show 'a continuing unit that functions with a common purpose.' *Boyle*, 556 U.S. at 948.

Summary

Broad definition of a RICO enterprise, emphasizing that it can be an association-in-fact with a structure that includes a purpose, relationships, and longevity. The passage also clarifies that the structure need not be hierarchical or have fixed roles, aligning with the Plaintiff's description of the enterprise in the proposition. The passage supports the idea that the

Plaintiff's allegations of a structured, ongoing enterprise with defined roles and coordination could meet the RICO enterprise criteria.

[Aragon v. Che Ku, 277 F.Supp.3d 1055 \(D. Minn. 2017\)](#)

U.S. District Court — District of Minnesota

Extract

When a plaintiff alleges that the defendants collectively are members of an association-in-fact enterprise, the enterprise and the defendants are not impermissibly identical. Id. For these reasons, so long as Plaintiffs have adequately alleged an association-in-fact enterprise, the fact that Defendants are members of that enterprise will not warrant dismissal because a 'collective entity is something more than the members of which it is comprised.' Id. '[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 v. United States, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). Although an association-in-fact need not have any particular indicia of organization such as a hierarchical structure, a chain of command, a name, regular meetings, dues, or established rules and regulations, it must have a discrete existence and structure uniting its members in a cognizable group. Id. at 948-49, 129 S.Ct. 2237.

Summary

Requirements for an "association-in-fact enterprise" under RICO, emphasizing that such an enterprise must have a purpose, relationships among its members, and sufficient longevity. The Plaintiff's allegations in the proposition align with these requirements, as they describe a structured and ongoing enterprise with defined roles and coordination over a specified period. The passage supports the argument that the Plaintiff's allegations, if true, could establish the existence of an association-in-fact enterprise under RICO.

[Hemmerdinger Corp. v. Ruocco, 976 F.Supp.2d 401 \(E.D. N.Y. 2013\)](#)

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

Extract

In addition to the separateness characteristic of any RICO enterprise, an association-in-fact enterprise includes additional, more specific structural characteristics. '[A]n association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.' ' Id. at 946, 129 S.Ct. 2237 (quoting Turkette, 452 U.S. at 583, 101

S.Ct. 2524). 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.' Id.; see also McGee v. State Farm Mut. Auto. Ins. Co., No. 08-CV-392, 2009 WL 2132439, at *4 n. 7 (E.D.N.Y. July 10, 2009) (Block, J.) (noting 'Boyle establishes a low threshold for pleading such an enterprise'). Thus, for RICO purposes, an association-in-fact 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Boyle, 556 U.S. at 945, 129 S.Ct. 2237.

Summary

Requirements for establishing an "association-in-fact enterprise" under RICO, as defined in Boyle v. United States. It emphasizes the need for a common purpose, relationships among associates, and longevity, which aligns with the Plaintiff's allegations of a structured and ongoing enterprise. The passage also notes that the threshold for pleading such an enterprise is low, supporting the argument that the Plaintiff's detailed allegations should have been considered by the judge.

[United States v. Hosseini, 679 F.3d 544 \(7th Cir. 2012\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The RICO statute defines "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) (emphasis added). The Supreme Court reads this definition quite broadly. See Boyle v. United States, 556 U.S. 938, 944-45, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). In Boyle the Court held that an "association-in-fact enterprise" has just three elements: "a purpose," "relationships among those associated with the enterprise," and "longevity sufficient to permit these associates to pursue the enterprise's purpose."

Summary

The RICO statute's definition of an "enterprise" includes "association-in-fact" entities, which are broadly interpreted by the Supreme Court. The passage from Boyle v. United States outlines the three elements necessary for such an enterprise: a purpose, relationships among associates, and longevity. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination over an 18-month period, which the judge allegedly failed to address.

[United States v. Pierce, 785 F.3d 832 \(2nd Cir. 2015\)](#)

U.S. Court of Appeals — Second Circuit

Extract

First, as a matter of law, the requirements for proving a racketeering enterprise are not so rigid as Meregildo contends. As the Supreme Court noted in Boyle v. United States, 'an association-in-fact enterprise is simply a continuing unit that functions with a common purpose. Such a group need not have a hierarchical structure or a 'chain of command.' ' 556 U.S. 938, 948, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009).

Summary

The passage from United States v. Pierce references the Supreme Court's decision in Boyle v. United States, which clarifies that an association-in-fact enterprise under RICO does not require a hierarchical structure or chain of command. This supports the proposition that the Plaintiff's description of an enterprise with defined roles and ongoing coordination over an 18-month period could meet the criteria for a RICO enterprise, even if it lacks a rigid hierarchy. The passage emphasizes the flexibility in defining a RICO enterprise, aligning with the Plaintiff's allegations of a structured and coordinated enterprise.

[U.S. v. Olson, 450 F.3d 655 \(7th Cir. 2006\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The statute 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.' 18 U.S.C. § 1961(4). The existence of an enterprise 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981). The 'central element of an enterprise is structure.' Neapolitan, 791 F.2d at 500. We have held that in informal organizations such as criminal groups, there 'must be some structure, to distinguish an enterprise from a mere conspiracy, but there need not be much.'

Summary

The definition of a RICO enterprise includes both formal and informal organizations, and it requires evidence of an ongoing organization where associates function as a continuing unit. The central element of an enterprise is its structure, which distinguishes it from a mere conspiracy. This supports the proposition that the Plaintiff's allegations of an

association-in-fact enterprise with defined roles and ongoing coordination could meet the requirements for a RICO enterprise.

[United States v. Gershman, 31 F.4th 80 \(2nd Cir. 2022\)](#)

U.S. Court of Appeals — Second Circuit

Extract

An enterprise 'includes any ... group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). Such a group has '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. Or to put it plainly, an association-in-fact enterprise is 'simply a continuing unit that functions with a common purpose.' Id. at 948, 129 S.Ct. 2237.

Summary

An "association-in-fact" enterprise under RICO is broadly defined and includes any group of individuals associated in fact, even if not a legal entity. The passage emphasizes the structural features required for such an enterprise: a purpose, relationships among those associated, and longevity. This aligns with the Plaintiff's allegations of a structured and ongoing enterprise with defined roles and coordination, supporting the proposition that the judge should have considered these allegations in determining the existence of a RICO enterprise.

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

U.S. Court of Appeals — Third Circuit

Extract

In short, Boyle holds that the RICO statute defines an "enterprise" broadly, such that the "enterprise" element of a § 1962(c) claim can be satisfied by showing a "structure," that is, a common "purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." Id. at 2244; see id. at 2245 ("[A]n association-in-fact enterprise is simply a continuing unity that functions with a common purpose."). "[A]fter Boyle, an association-in-fact enterprise need have no formal hierarchy or means for decision-making, and no purpose or economic significance beyond or independent of the group's pattern of racketeering activity."

Summary

An association-in-fact enterprise does not require a formal hierarchy or decision-making process, aligning with the Plaintiff's allegations of a structured and ongoing enterprise. This supports the proposition that the judge should have considered the Plaintiff's detailed allegations regarding the enterprise's structure and operations.

[From the sophisticated undertakings of the Genovese crime family to the everyday criminal: the loss of congressional intent in modern criminal RICO application.](#)

St. Thomas Law Review - St. Thomas Law Review - Donaher, Emily A. - 2016-03-22

Extract

Furthermore, RICO enterprises could be proven by simply adducing evidence that demonstrates a formal or informal association that is ongoing, along with evidence that those participating in the organization operate as a 'continuing unit.' (141) ... The majority of federal circuit courts have held that an association-in-fact enterprise must have 'some sort of structure [to make] decisions, whether it be hierarchical or consensual,' and that '[t]here must be some mechanism for controlling and directing the affairs of the group on an ongoing rather than ad hoc basis.' (154) ... Instead, the Court ruled that the structure required of an enterprise must include 'a purpose, relationship among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' (166)

Summary

The definition of a RICO enterprise includes both formal and informal associations that operate as a continuing unit. The passage highlights that an enterprise must have a structure for decision-making and control, which aligns with the Plaintiff's allegations of defined roles and ongoing coordination. The Supreme Court's ruling in Boyle v. United States further supports the notion that an enterprise must have a purpose, relationships among associates, and sufficient longevity, which the Plaintiff has alleged.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its constituents must have a common or shared purpose, and it must have some continuity of structure or personnel. To constitute an enterprise, a group must have a mechanism for directing the affairs of the group on an ongoing, rather than an ad hoc, basis. ... Informal relationships among entities may suffice to create an 'associated-in-fact' enterprises. ... In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. ... Recently, in Boyle v. United States, the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.' ... The Court noted an enterprise need only have the structural features of: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'

Summary

Requirements for a RICO enterprise, emphasizing that it must exist independently from the racketeering activity, have a shared purpose, continuity, and unity. The Supreme Court's decision in Boyle v. United States is particularly relevant, as it clarifies that an association-in-fact enterprise does not need an ascertainable structure beyond the pattern of racketeering activity. This supports the proposition that the Plaintiff's allegations of a structured and ongoing enterprise should have been considered by the judge.

Racketeer influenced and corrupt organizations.

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

Extract

offer to establish the existence of a RICO enterprise. Although the circuits have not adopted a uniform definition of enterprise, they do require that the charged RICO enterprise, in order to distinguish it from a conspiracy, have some structure.(111) A more specific definition requires that a RICO enterprise exhibit three characteristics: (1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.(112)...Prosecutors prove the existence of an enterprise by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.(117)...In United States v. White,(475) the defendants were convicted of drug conspiracy under the RICO statute. The District of Columbia Circuit held, on the enterprise element of the RICO violation, that evidence of ongoing organization, formal or informal, and evidence that various

associates function as a continuing unit are central to establish the enterprise element of conspiracy under RICO.(476)

Summary

Requirements for establishing a RICO enterprise, emphasizing the need for a common purpose, continuity of structure and personnel, and an ascertainable structure distinct from racketeering activities. It also highlights that evidence of an ongoing organization and associates functioning as a continuing unit is crucial. These elements align with the Plaintiff's allegations of an association-in-fact enterprise with defined roles, ongoing coordination, and operational security measures over an 18-month period.

Racketeer influenced and corrupt organizations.

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

Extract

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) Several circuits have found that unions of legal entities, including a group of corporations or partnerships, can constitute 'associated-in-fact' enterprises. (87) 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)... The existence of racketeering activity and enterprise are distinct elements of a RICO charge, (100) but the proof necessary to establish either can coincide. (101)... The Turkette Court stated: [w]hile the proof used to establish these separate elements may in particular cases coalesce, proof of one does not necessarily establish the other. The 'enterprise' is not the 'pattern of racketeering activity'; it is an entity separate and apart from the pattern of activity in which it engages. The existence of an enterprise at all times remains a separate element which must be proved by the Government. Id.

Summary

The passage explains that a RICO enterprise can be an association-in-fact, which does not require a formal relationship but must have a shared purpose, continuity, unity, and an identifiable structure. It also emphasizes that the existence of an enterprise is distinct from the pattern of racketeering activity, which aligns with the Plaintiff's argument that the judge failed to consider the distinct structure and operations of the alleged enterprise.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its constituents must have a common or shared purpose, and it must have some continuity of structure or personnel. To constitute an enterprise, a group must have a mechanism for directing the affairs of the group on an ongoing, rather than ad hoc, basis. ... Recently, in Boyle v. United States, the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.' ... The Court noted that an enterprise need only have the following structural features: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'

Summary

Requirements for a RICO enterprise, emphasizing that it must exist independently from the racketeering activity, have a common purpose, and continuity of structure or personnel. The Supreme Court's decision in Boyle v. United States clarified that an association-in-fact enterprise does not need an ascertainable structure beyond the pattern of racketeering activity, but it must have a purpose, relationships, and longevity. This supports the proposition that the Plaintiff's allegations of an association-in-fact enterprise with defined roles and ongoing coordination over an 18-month period could meet the RICO enterprise criteria.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

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. To constitute an enterprise, a group must have an ongoing mechanism for directing the affairs of the group on an ongoing, rather than an ad hoc, basis. ... 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

Requirements for a RICO enterprise, emphasizing that it must exist independently from the racketeering activity, have a common purpose, continuity, and an identifiable structure. These elements align with the Plaintiff's allegations of an association-in-fact enterprise with defined roles, ongoing coordination, and operational security measures. The passage supports the proposition that the Plaintiff's detailed allegations should have been considered to determine if an enterprise distinct from the racketeering acts was plausibly alleged.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Mecone, James Morrison - 2006-03-22

Extract

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. To constitute an enterprise, a group must have an ongoing mechanism for directing the affairs of the group on an ongoing, rather than an ad hoc, basis. ... A RICO enterprise need not be part of a formal relationship. A combination of different entities can constitute an enterprise within the meaning of RICO. ... 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

Requirements for a RICO enterprise, emphasizing that it must exist independently from the racketeering activity, have a common purpose, continuity, and an identifiable structure. These elements align with the Plaintiff's allegations of an association-in-fact enterprise with defined roles, ongoing coordination, and operational security measures. The passage supports the notion that the Plaintiff's description of the enterprise meets the criteria for a RICO enterprise, which the judge failed to address.

Chapter 4. Elements of Cause of Action

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

Extract

Boyle holds that "an 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." ... In Turkette, the Supreme Court declared that "[t]he 'enterprise' is not the 'pattern of racketeering activity,' it is an entity separate and apart from the pattern of activity in which it engages." ... Boyle addressed the question: "[M]ust the 'structure' go 'beyond that inherent in the pattern of racketeering activity' in which its members engage?" Boyle, 566 U.S. at 945. Boyle answered this in the affirmative, but only in the weak sense "that the existence of an enterprise is a separate element that must be proved."

Summary

The passage from the guide explains the requirements for an "association-in-fact" enterprise under RICO, as clarified by the Supreme Court in Boyle v. United States. It specifies that such an enterprise must have a purpose, relationships among associates, and sufficient longevity. Additionally, it emphasizes that the enterprise must be distinct from the pattern of racketeering activity. These elements align with the Plaintiff's allegations of a structured and ongoing enterprise, which the judge allegedly failed to address.

Racketeer Influenced and Corrupt Organizations

American Criminal Law Review - Georgetown University Law Center - Adam Governale, Keyes Gilmer, Elizabeth Hadley, Caroline Lagumina, Omoyele Okunola - 2022-07-01

Extract

Boyle v. United States, 556 U.S. 938, 944 (2009) (holding RICO "enterprise" can include "a group of persons associated together for a common purpose of engaging in a course of conduct" (quoting United States v. Turkette, 452 U.S. 576, 583 (1981))). ... Odom v. Microsoft Corp., 486 F.3d 541, 551-53 (9th Cir. 2007) (en banc) (holding association of two separate corporations for a common purpose constituted an association-in-fact enterprise); Living Designs, Inc. v. E.I. Dupont de Nemours & Co., 431 F.3d 353, 361-62 (9th Cir. 2005) (holding that a corporation, law firms retained by the corporation, and individual actors constitute an association-in-fact enterprise). ... Turkette, 452 U.S. at 583 (finding that "enterprise" is an entity whereas "pattern of racketeering activity" is a series of criminal acts); see also In re Ins. Brokerage Antitrust Litig., 618 F.3d 300, 365 (3d Cir. 2010) (noting that the enterprise must be separate and apart from the pattern of activity in which it engages).

Summary

The passages provide legal precedents and interpretations that support the definition of a RICO "enterprise" as an "association-in-fact," which can include a group of persons or entities associated for a common purpose. The cases cited, such as Boyle v. United States and Turkette, establish that an

enterprise must be distinct from the pattern of racketeering activity and can be informal or formal. This supports the proposition that the Plaintiff's allegations of a structured and ongoing enterprise should have been considered by the judge.

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

American Criminal Law Review - Georgetown University Law Center - 2021-07-01

Extract

The RICO enterprise must have a continuous structure and purpose independent from the racketeering activity in which it engages, and its alleged confederates must work with a common purpose or towards a shared goal. The RICO enterprise must also have a mechanism for directing its affairs on an ongoing, rather than ad hoc, basis. Federal courts have discretion in developing the enterprise prong of RICO, and as such have recognized several enterprise categories beyond those explicitly mentioned in the statute. ... structure throughout the period described ... A RICO enterprise must have 'an ongoing structure of persons associated through time, joined in purpose, and organized in a manner amenable to hierarchical or consensual decision making'... . Moreover, because a RICO enterprise is more than a group of people who get together to commit a pattern of racketeering activity, there must be an organization with a structure and goals separate from the predicate acts themselves.

Summary

A RICO enterprise must have a continuous structure and purpose independent from the racketeering activity, with a mechanism for directing its affairs on an ongoing basis. The passage also emphasizes the need for an organization with a structure and goals separate from the predicate acts themselves. This aligns with the Plaintiff's allegations of an association-in-fact enterprise with defined roles, ongoing coordination, and operational security measures.

Civil Rico: A Tool of Advocacy

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

Extract

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." Section 1962(c) requires that the "person" who violates this section must be distinct from the "enterprise" whose affairs that person is allegedly conducting or participating in. It is

because only the person and not the enterprise can be liable under § 1962(c). The person and enterprise must be separate entities. The violator of § 1962(c) who commits the pattern of predicate racketeering acts must be distinct from the enterprise of predicate racketeering acts whose affairs are thereby conducted. Therefore, the unlawful enterprise itself cannot also be the person the plaintiff charges with conducting it. However, the Supreme Court unanimously decided to narrow, but not eliminate, the concept that a... see Boyle v. United States, 556 U.S. 938 (2009) (resolving a split in the circuits that an associated-in-fact enterprise must have an ascertainable structure; the Supreme Court rejected the argument that a structure must bear a resemblance to business-like entities).

Summary

The definition of an "enterprise" under RICO includes "any union or group of individuals associated in fact although not a legal entity." This supports the proposition that an "association-in-fact enterprise" can exist with defined roles and ongoing coordination. The passage also references Boyle v. United States, which clarifies that an associated-in-fact enterprise must have an ascertainable structure, supporting the Plaintiff's allegations of a structured and ongoing enterprise.

[RICO: A Primer](#)

Extract

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

Summary

The definition of a RICO enterprise is broad and includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the Plaintiff's description of an "association-in-fact enterprise" with defined roles and ongoing coordination fits within the broad interpretation of a RICO enterprise. The passage also indicates that the statutory list of what constitutes an enterprise is illustrative, not exhaustive, which aligns with the Plaintiff's detailed allegations of the enterprise's structure and operations.

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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. ... 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.'

Summary

A RICO enterprise can be an association-in-fact, which aligns with the Plaintiff's description of a structured and coordinated enterprise. The passage explains that the racketeering acts need not be directly related but must be connected to the enterprise's affairs, which supports the Plaintiff's claim of a coordinated enterprise with defined roles and ongoing operations. The continuity requirement is also addressed, which is relevant to the Plaintiff's allegation of an 18-month period of operation.

This memo was compiled by Vincent AI based on vLex materials available as of August 31, 2025. [View full answer on vLex](#)