

Question

The wife has not responded to or defended against the husband's claims in the divorce proceedings, and the husband has multiple mandamus petitions pending in the Texas Supreme Court. RICO claims are subject to strict pleading requirements under Federal Rule of Civil Procedure 9(b) when fraud is alleged, requiring the plaintiff to state with particularity the circumstances constituting fraud. The husband must ensure that his RICO claim is meticulously detailed, including specific allegations of each predicate act, the roles of the mother and stepfather in the enterprise, and how their actions caused his injuries. Failure to meet these pleading standards could result in dismissal.

Answer (U.S. Federal)

Short response

Civil RICO claims based on allegations of fraud must be pleaded with heightened particularity under Federal Rule of Civil Procedure 9(b), requiring the husband to detail the specific circumstances of each fraudulent predicate act, the roles of the mother and stepfather in the enterprise, and the causal link to his injuries. Failure to meet these strict pleading requirements will likely result in dismissal of the husband's RICO claim.

Summary

To successfully pursue a civil RICO claim involving fraud allegations against the mother and stepfather, the husband must satisfy the stringent pleading requirements of Federal Rule of Civil Procedure 9(b). This requires more than merely reciting the elements of a RICO claim; the husband must provide detailed allegations that specify the "who, what, when, where, and how" of the alleged fraudulent conduct, clearly establish the existence and structure of the RICO enterprise, demonstrate a pattern of racketeering activity through at least two predicate acts, and establish a direct causal connection between these acts and his injuries.

The courts consistently apply heightened scrutiny to civil RICO claims involving fraud, requiring plaintiffs to plead with particularity the circumstances constituting fraud for each predicate act. This means the husband must specify the precise statements or representations alleged to be fraudulent, identify who made them, state when and where they were made, explain why they were fraudulent, and articulate how they caused him injury. Additionally, he must clearly delineate the roles of both the mother and stepfather in the enterprise and establish how their actions directly resulted in injury to his business or property. Given that failure to meet these exacting standards is a common basis for dismissal of RICO claims, the husband should ensure his complaint contains meticulously

detailed allegations supported by specific facts rather than conclusory statements.

Background and Relevant Law

Federal Rule of Civil Procedure 9(b)

The foundation of the pleading requirements for the husband's RICO claim involving fraud is Federal Rule of Civil Procedure 9(b), which states: "In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally." [Joseph v. Gen. Conference Corp. of 7th Day Adventist, Civil Action 23-21552-Civ-Scola \(S.D. Fla. Feb 26, 2025\)](#). This rule creates a heightened pleading standard for allegations of fraud, requiring more specificity than the general notice pleading standard found in Rule 8(a). [Lerner v. Colman, 485 F.Supp.3d 319 \(D. Mass. 2020\)](#).

When fraud is alleged as part of a RICO claim, as is the case in the husband's situation, courts consistently hold that Rule 9(b)'s heightened pleading standard applies to those fraud-based elements. As noted in [Sterling v. Deutsche Bank Nat'l Tr. Co., 19 Civ. 205 \(GBD\) \(JW\) \(S.D. N.Y. Mar 27, 2023\)](#), "where the predicate acts are alleged to involve fraud, as is the case here, the plaintiff must also satisfy the heightened pleading standard of Federal Rule of Civil Procedure 9(b), which requires such a party to 'state with particularity the circumstances constituting fraud or mistake.'"

RICO Claims and Required Elements

A civil RICO claim requires the plaintiff to establish: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [King v. G4S Secure Sols. \(U.S.\) Inc., CASE NO. 1:18 CV 448 \(N.D. Ohio Feb 22, 2019\)](#) (citing *Heinrich v. Waiting Angels Adoption Servs., Inc.*, 668 F.3d 393, 403-04 (6th Cir. 2012)). Additionally, the plaintiff must demonstrate that this conduct directly resulted in injury to his business or property. [Silverstein v. Percudani, 422 F.Supp.2d 468 \(M.D. Pa. 2006\)](#).

While the ordinary Rule 8(a) pleading standard may apply to certain non-fraud elements of a RICO claim, when fraud serves as the basis for the alleged predicate acts, Rule 9(b)'s heightened pleading requirements apply to those elements. [Menzies v. Seyfarth Shaw LLP, 197 F.Supp.3d 1076 \(N.D. Ill. 2016\)](#) ("Following that lead, this Court applies the traditional Rule 8 standard to the non-fraud elements of the RICO claims, and the stricter Rule 9(b) standard to the underlying allegations of fraud-based racketeering activity within those claims").

Specificity Requirements Under Rule 9(b) for RICO Claims

Courts have consistently interpreted Rule 9(b) to require RICO plaintiffs alleging fraud to specify:

1. The precise statements, documents, or misrepresentations alleged to be fraudulent;
2. The time and place of and person responsible for the statement;
3. The content and manner in which the statements misled the plaintiff; and
4. What the defendants gained by the alleged fraud.

[Joseph v. Gen. Conference Corp. of 7th Day Adventist, Civil Action 23-21552-Civ-Scola \(S.D. Fla. Feb 26, 2025\).](#)

Courts commonly describe this as requiring the plaintiff to plead the "who, what, when, where, and how" of the alleged fraud. [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#) ("Put simply, plaintiffs must plead the 'who, what, when, where, and how' of the alleged fraud."). This means the husband must detail "the particulars of time, place, and contents of the false representations, as well as the identity of the person making the misrepresentation and what he obtained thereby." [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\).](#)

When multiple defendants are involved, as in the husband's case with both the mother and stepfather, the complaint must "inform each defendant of the nature of his alleged participation in the fraud." [Sterling v. Deutsche Bank Nat'l Tr. Co., 19 Civ. 205 \(GBD\) \(JW\) \(S.D. N.Y. Mar 27, 2023\).](#) The husband cannot simply group the defendants together but must specify each defendant's role in the fraudulent scheme.

Application of Rule 9(b) to Different Components of RICO Claims

Courts have provided guidance on how Rule 9(b) applies to different aspects of RICO claims:

1. **Predicate Acts:** When the predicate acts involve fraud, such as mail or wire fraud, the plaintiff must plead the circumstances of that fraud with particularity. [State Farm Mut. Auto. Ins. Co. v. Misra, 658 F.Supp.3d 362 \(W.D. Tex. 2023\)](#) ("Consistent with [Fed. R. Civ. P.] 9(b), a RICO plaintiff alleging predicate acts of fraud... must plead the circumstances of that fraud with particularity.").
2. **Role of Each Defendant:** The complaint must distinguish between multiple defendants and specify their individual roles in the alleged fraudulent scheme. [Soo J. Ko v. Univ. of the Potomac at Chi., 24 C 1455 \(N.D. Ill. Aug 07, 2024\)](#) ("In the absence of particular facts to put each corporate defendant on notice for its alleged involvement in the predicate acts, plaintiffs' allegations are insufficient to satisfy Rule 9(b)'s requirements.").

3. **Pattern of Racketeering Activity:** The complaint must adequately allege a pattern of racketeering activity, which requires at least two predicate acts. [Occupational-Urgent Care H. Sys. v. Sutro & Co., 711 F. Supp. 1016 \(E.D. Cal. 1989\)](#) ("Plaintiff is required to plead at least two predicate acts with particularity.").
4. **Enterprise:** The complaint must adequately allege the existence of an enterprise, including the structure and relationships within that enterprise. [Huszar v. Zeleny, 269 F.Supp.2d 98 \(E.D. N.Y. 2003\)](#) (dismissing a RICO claim where "the plaintiff in no way elaborates on how the defendants were engaged in a 'racketeering activity' or how they participated in an 'enterprise.'").
5. **Causation:** The complaint must establish a direct causal connection between the alleged racketeering activity and the plaintiff's injuries. [Civil Rico: A Tool of Advocacy](#) (2024-01-01).

Analysis

Requirements for Pleading the Husband's RICO Claim

Given the provided legal framework, the husband's RICO claim against the mother and stepfather must satisfy several key requirements to survive scrutiny under Rule 9(b):

1. Detailed Allegations of Each Predicate Act

The husband must allege at least two predicate acts of racketeering activity with particularity. If these predicate acts involve fraud, as suggested in the question, the husband must specify for each act:

- The exact fraudulent statements or misrepresentations made
- Who made these statements (the mother, the stepfather, or both)
- When and where these statements were made
- Why these statements were fraudulent
- How he relied on these statements
- What the mother and stepfather gained through this fraud

[Federal Ins. Co. v. Webne, 513 F.Supp.2d 921 \(N.D. Ohio 2007\)](#) makes clear that Rule 9(b) requires "a plaintiff, at a minimum, to allege the time, place, and content of the alleged misrepresentation on which he or she relied; the fraudulent scheme; the fraudulent intent of the defendants; and the injury resulting from the fraud."

Generalized or conclusory allegations will not suffice. As emphasized in [Teri Woods Publ'g, L.L.C. v. Williams, CIVIL ACTION No. 12-04854 \(E.D. Pa. Apr 12, 2013\)](#), "The Complaint lacks the 'what, how, where and when' underlying a proper fraud claim and is devoid of any injection of precision or measure of substantiation of such claims." The husband's complaint must avoid this pitfall by providing specific details rather than general allegations.

2. Clear Articulation of the Enterprise

The husband must clearly define the alleged RICO enterprise involving the mother and stepfather. This includes detailing:

- The structure of the enterprise
- The relationships between the mother and stepfather within this enterprise
- How the enterprise functioned
- How the enterprise affected interstate commerce

The complaint cannot merely assert the existence of an enterprise without elaboration, as was the case in [Huszar v. Zeleny, 269 F.Supp.2d 98 \(E.D. N.Y. 2003\)](#), where the court dismissed a RICO claim because "the plaintiff in no way elaborates on how the defendants were engaged in a 'racketeering activity' or how they participated in an 'enterprise.'"

3. Specification of Each Defendant's Role

The husband must distinguish between the mother and stepfather and specify their individual roles in the alleged fraudulent scheme. As noted in [Sterling v. Deutsche Bank Nat'l Tr. Co., 19 Civ. 205 \(GBD\) \(JW\) \(S.D. N.Y. Mar 27, 2023\)](#), when multiple defendants are involved, the complaint should "inform each defendant of the nature of his alleged participation in the fraud."

The complaint cannot simply group the mother and stepfather together without specifying their individual actions and responsibilities. For example, in [Loring v. Nelson, No.: 3:19-cv-185 \(E.D. Tenn. Dec 19, 2019\)](#), the court noted deficiencies where the complaint "alleges several predicate offenses as part of the claim under the Racketeer Influenced and Corrupt Organizations Act ('RICO'), 18 U.S.C. §§ 1961-1968, but rarely does it identify which defendant allegedly committed the predicate act, how it was committed, and when."

4. Demonstration of a Pattern of Racketeering Activity

The husband must demonstrate a pattern of racketeering activity, which requires showing:

- At least two predicate acts within a ten-year period
- Relationship between these acts (they have similar purposes, results, participants, victims, or methods)
- Continuity of the criminal activity (either closed-ended continuity, showing a series of related predicates over a substantial period, or open-ended continuity, showing a threat of continued criminal activity)

For example, in [Loring v. Nelson, No.: 3:19-cv-185 \(E.D. Tenn. Dec 19, 2019\)](#), the court criticized allegations of open-ended continuity where "Plaintiffs cannot simply state communications exist to establish wire fraud; the complaint must allege the time, place, and content of the misrepresentation upon which Plaintiffs relied."

5. Direct Causal Connection to Injuries

The husband must establish a direct causal connection between the alleged racketeering activity and specific injuries to his business or property. As noted in [Civil Rico: A Tool of Advocacy](#) (2024-01-01), this is an "equally essential component" of a RICO claim.

The complaint must specify how the mother and stepfather's actions directly resulted in concrete financial losses or other injuries to the husband's business or property, not just general harm.

Potential Challenges and Pitfalls

The husband faces several challenges in meeting these stringent pleading requirements:

1. Risk of Dismissal for Insufficient Particularity

Courts consistently dismiss RICO claims that fail to meet Rule 9(b)'s heightened pleading standards. In [King v. G4S Secure Sols. \(U.S.\) Inc., CASE NO. 1:18 CV 448 \(N.D. Ohio Feb 22, 2019\)](#), the court dismissed a RICO claim because "[a]t best, Plaintiffs have added paragraphs 81 and 82 to satisfy the rendition of the elements of a RICO claim under §1962(c). As such, these allegations do not meet the standards of pleading under Rule 9(b) and *Iqbal/Twombly*."

Similarly, in [Zucker v. Farish, Civil Action No. 3:18-CV-01790-K \(N.D. Tex. Dec 12, 2018\)](#), the court dismissed a civil RICO claim for failing "to allege a plausible claim for relief," noting that "such pleading is inappropriate, especially when Rule 9(b) applies to a claim."

2. Difficulty in Distinguishing Between Defendants

The husband must be careful to distinguish between the mother and stepfather and specify their individual roles in the alleged fraudulent scheme. In [Soo J. Ko v. Univ. of the Potomac at Chi., 24 C 1455 \(N.D. Ill. Aug 07, 2024\)](#), the court found allegations insufficient where there was an "absence of particular facts to put each corporate defendant on notice for its alleged involvement in the predicate acts."

3. Challenges in Pleading Fraudulent Intent

While Rule 9(b) allows intent to be alleged generally, the husband must still provide sufficient factual basis to support an inference of fraudulent intent. As noted in [Federal Ins. Co. v. Webne, 513 F.Supp.2d 921 \(N.D. Ohio 2007\)](#), "allegations of fraudulent misrepresentation[s] must be made with sufficient particularity and with a sufficient factual basis to support an inference that they were knowingly made."

Specific Guidance for the Husband's RICO Claim

Given these requirements and challenges, the husband should consider the following specific approaches in drafting his RICO claim:

1. Detailed Chronology of Events

The husband should provide a detailed chronology of events, specifying dates, locations, and the exact nature of each alleged fraudulent act. This chronology should clearly identify which defendant (the mother or stepfather) took which action and how these actions constituted predicate acts under RICO.

2. Specific Examples of Fraudulent Statements or Conduct

The husband should provide specific examples of fraudulent statements or conduct, including direct quotes when possible, rather than general characterizations. For example, rather than stating that "the defendants made fraudulent statements," the husband should specify exactly what statements were made, by whom, when, where, and why they were fraudulent.

3. Clear Articulation of the Enterprise Structure

The husband should clearly articulate the structure of the alleged enterprise involving the mother and stepfather, including their relationships, roles, and how the enterprise functioned. This should include specific details about how decisions were made, how resources were allocated, and how the enterprise's activities affected interstate commerce.

4. Direct Connection to Specific Injuries

The husband should establish a direct connection between each alleged predicate act and specific injuries to his business or property. This should include details about the nature of each injury, the amount of financial loss (if applicable), and how the injury was directly caused by the mother and stepfather's actions.

5. Distinction Between Defendants

The husband should distinguish between the mother and stepfather throughout the complaint, specifying their individual roles, actions, and responsibilities within the alleged fraudulent scheme. This includes detailing which defendant engaged in which predicate act and how their individual actions contributed to the pattern of racketeering activity.

Exceptions and Caveats

While the heightened pleading standards of Rule 9(b) apply generally to RICO claims involving fraud, there are some nuances and exceptions to consider:

1. Differential Treatment of Fraud and Non-Fraud Elements

Some courts differentiate between the pleading standards applied to fraud-based elements and non-fraud elements of a RICO claim. As noted in [Menzies v. Seyfarth Shaw LLP, 197 F.Supp.3d 1076 \(N.D. Ill. 2016\)](#), "this Court applies the traditional Rule 8 standard to the non-fraud elements of the RICO claims, and the stricter Rule 9(b) standard to the underlying allegations of fraud-based racketeering activity within those claims."

This suggests that while the husband must plead the predicate acts of fraud with particularity, other elements of the RICO claim (such as the existence of an enterprise) might be subject to the less stringent Rule 8 standard. However, given the overall scrutiny applied to RICO claims, the husband should aim to plead all elements with as much specificity as possible.

2. Relaxed Standards for Information Uniquely Within Defendants' Knowledge

Some courts may apply a slightly more relaxed standard for information that is uniquely within the defendants' knowledge. However, this relaxation is limited, and the husband would still need to provide substantial factual detail. As noted in [Gunderson v. Adm Investor Services, Inc., 85 F.Supp.2d 892 \(N.D. Iowa 2000\)](#), while Rule 9(b) "clearly imposes obligations additional to those stated in Fed. R.Civ.P. 8," there might be some flexibility for information not readily accessible to the plaintiff.

3. Opportunity to Amend After Initial Dismissal

Courts may grant plaintiffs an opportunity to amend their complaints after an initial dismissal for failure to meet the pleading standards of Rule 9(b). In [H. Rept. 104-50 Part 1- Common Sense Legal Reforms Act of 1995, 1995-02-24](#), it is noted that "the court may, in its discretion, permit a single amended complaint to be filed" after dismissing a complaint for failure to meet the pleading requirements.

This suggests that if the husband's initial RICO claim is dismissed for insufficient particularity, he might have an opportunity to amend and provide more detailed allegations. However, this is discretionary, and courts may deny leave to amend if they determine that amendment would be futile.

Conclusion

The husband's RICO claim against the mother and stepfather faces significant hurdles due to the stringent pleading requirements of Rule 9(b).

To avoid dismissal, the husband must meticulously detail each element of his RICO claim, particularly the predicate acts of fraud that form the basis of the alleged pattern of racketeering activity.

The complaint must specify the "who, what, when, where, and how" of each fraudulent act, clearly distinguish between the mother and stepfather's roles, establish the existence and structure of an enterprise, demonstrate a pattern of racketeering activity, and establish a direct causal connection to specific injuries to the husband's business or property.

Given the courts' consistent application of heightened scrutiny to RICO claims and their willingness to dismiss claims that fail to meet these standards, the husband should approach this complaint with extreme care and attention to detail. Generic or conclusory allegations will not survive judicial scrutiny, and the husband must support each element of his RICO claim with specific factual allegations rather than general characterizations.

By adhering to these requirements and providing the level of detail demanded by Rule 9(b), the husband may increase his chances of surviving a motion to dismiss and proceeding to the discovery phase of litigation. However, the bar is high, and the husband should be prepared for rigorous judicial examination of his complaint's sufficiency under the heightened pleading standards applicable to fraud-based RICO claims.

In the context of his ongoing divorce proceedings and pending mandamus petitions in the Texas Supreme Court, the husband should also consider how this RICO claim fits into his broader legal strategy and ensure that his various legal actions are coordinated effectively. If the husband is committed to pursuing this RICO claim, investing the time and resources to meet these stringent pleading requirements is essential to avoid early dismissal and the potential waste of legal resources.

Legal Authorities

[Gunderson v. Adm Investor Services, Inc., 85 F.Supp.2d 892 \(N.D. Iowa 2000\)](#)

U.S. District Court — Northern District of Iowa

Extract

The court therefore granted defendants' motions to dismiss in each case to the extent that it found the claims of fraud inadequately pleaded under Federal Rules of Civil Procedure 9(b) and 12(b)(6). The Producers were directed to file an amended complaint adequately pleading fraud pursuant to Federal Rule of Civil Procedure 9(b). ... Rule 9(b) clearly imposes obligations additional to those stated in Fed. R.Civ.P. 8, which establishes notice pleading. ... Rule 9(b) 'requires that `the circumstances constituting fraud ... shall be stated with particularity' ... Under the rule, allegations of fraud in a complaint must (1) specify the statements that the plaintiff contends were fraudulent, (2) identify the speaker, (3) state where and when the statements were made, and (4) explain why the statements were fraudulent.

Summary

Federal Rule of Civil Procedure 9(b) requires fraud claims, including those under RICO, to be pleaded with particularity. This means the plaintiff must detail the fraudulent statements, identify the speaker, specify when and where the statements were made, and explain why they are fraudulent. The court's decision to dismiss claims that do not meet these standards underscores the importance of meticulous pleading to avoid dismissal.

[Menzies v. Seyfarth Shaw LLP, 197 F.Supp.3d 1076 \(N.D. Ill. 2016\)](#)

U.S. District Court — Northern District of Illinois

Extract

Likewise, Rule 9(b) requires a party alleging fraud to 'state with particularity the circumstances constituting fraud.' Fed. R. Civ. Pro. 9(b). This 'ordinarily requires describing the 'who, what, when, where, and how' of the fraud, although the exact level of particularity that is required will necessarily differ based on the facts of the case.' ... The Seventh Circuit has not yet explicitly examined whether Rule 9(b)'s heightened standard extends to each and every element of a civil RICO claim containing fraud-based predicate activity within it, or whether Rule 8's less rigorous pleading standard applies to the non-fraud elements of the violation. ... Following that lead, this Court applies the traditional Rule 8 standard to the non-fraud elements of the RICO claims, and the stricter Rule 9(b) standard to the underlying allegations of fraud-based racketeering activity within those claims (here, the mail and wire fraud predicates themselves). ... Because Plaintiff failed to make a proper showing of continuity or its threat, the RICO counts are dismissed without prejudice. This Court nonetheless gives Plaintiff leave to file an Amended Complaint re-alleging Counts I and II, provided he can do so consistent with his obligations under Federal Rule of Civil Procedure 11.

Summary

Rule 9(b) requires a high level of specificity when pleading fraud, which is applicable to RICO claims involving fraud-based predicate acts. The passage emphasizes the necessity of detailing the 'who, what, when, where, and how' of the fraud, which aligns with the proposition that the husband must meticulously detail his RICO claim. The passage also highlights the potential for dismissal if these standards are not met, supporting the proposition's warning about the consequences of failing to meet pleading standards.

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

U.S. District Court — Southern District of Texas

Extract

When a complaint alleges claims sounding in fraud, Rule 9(b) requires that plaintiffs plead the underlying factual circumstances with particularity. Fed. R. Civ. P. 9(b). Accordingly, Rule 9(b)'s particularity requirement applies to the pleading of mail fraud as a predicate act in a RICO case. *Landry v. Air Line Pilots Ass'n Intern. AFL - CIO*, 901 F.2d 404, 430 (5th Cir.1990) ; *Williams v. WMX Techs., Inc.*, 112 F.3d 175, 177 (5th Cir.1997) ; *Tel - Phonic Servs., Inc. v. TBS Int'l, Inc.*, 975 F.2d 1134, 1139 (5th Cir.1992). Rule 9(b) states that '[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.' Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff must plead the particulars of time, place, and contents of the false representations, as well as the identity of the person making the misrepresentation and what he obtained thereby. *Benchmark Elecs. v. J.M. Huber Corp.*, 343 F.3d 719, 724 (5th Cir.2003) (quoting *Tel - Phonic Servs.*, 975 F.2d at 1139). Put simply, plaintiffs must plead the 'who, what, when, where, and how' of the alleged fraud.

Summary

RICO claims involving allegations of fraud must meet the heightened pleading standards of Rule 9(b). This requires the plaintiff to detail the circumstances of the fraud with particularity, including specifics about the time, place, and nature of the fraudulent acts, as well as the identities of those involved. This is directly relevant to the proposition, as it emphasizes the necessity for the husband to meticulously detail his RICO claim to avoid dismissal.

[Rosner v. Rosner, 766 F.Supp.2d 422 \(E.D. N.Y. 2011\)](#)

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

Extract

In the Court's view, there is a serious question as to whether the plaintiff has plead the allegations of fraud that form the primary basis for her RICO claim with sufficient specificity to satisfy Rule 9(b). See, e.g., *Spool v. World Child Intern. Adoption Agency*, 520 F.3d 178, 185 (2d Cir.2008) (noting that RICO predicate acts based on fraud must be plead with specificity).

Summary

RICO claims involving fraud must meet the strict pleading requirements of Rule 9(b), which mandates that the circumstances constituting fraud be stated with particularity. This requirement is crucial for the husband in the proposition to ensure his RICO claim is meticulously detailed, as failure to do so could result in dismissal, as demonstrated in the Rosner case.

[Federal Ins. Co. v. Webne, 513 F.Supp.2d 921 \(N.D. Ohio 2007\)](#)

U.S. District Court — Northern District of Ohio

Extract

Rule 9(b) of the Federal Rules of Civil Procedure imposes heightened pleading requirements for all averments of fraud. The Sixth Circuit reads Rule 9(b) 'liberally, ... requiring a plaintiff, at a minimum, to allege the time, place, and content of the alleged misrepresentation on which he or she relied; the fraudulent scheme; the fraudulent intent of the defendants; and the injury resulting from the fraud.' Coffey v. Foamex L.P., 2 F.3d 157, 161-62 (6th Cir.1993) (internal citation omitted). Thus, 'allegations of fraudulent misrepresentation[s] must be made with sufficient particularity and with a sufficient factual basis to support an inference that they were knowingly made.' Id. at 162 (internal citation omitted).

Summary

The passage from "Federal Ins. Co. v. Webne" highlights the strict pleading requirements under Rule 9(b) for fraud allegations in RICO claims. It specifies that plaintiffs must detail the time, place, content, fraudulent scheme, intent, and resulting injury with particularity. This directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal, as failure to meet these standards could result in the claim being dismissed.

[Schuster v. Anderson, 378 F.Supp.2d 1070 \(N.D. Iowa 2005\)](#)

U.S. District Court — Northern District of Iowa

Extract

The defendants first contend that the plaintiffs have not plead the predicate acts of fraud with the requisite particularity. The defendants assert that the specificity requirements of Federal Rule of Civil Procedure 9(b) apply to the Civil RICO claims, and that the plaintiffs have fallen woefully short of meeting that requirement. Specifically, the defendants point out the Complaint alleges 'wire fraud' as the predicate act for the RICO claims, but does not identify the time, place, contents or speaker of any misrepresentations made to Schlichte and Schuster. The defendants additionally assert that the Complaint also fails to set forth specific facts that made it reasonable for the speaker to know that any statements to Schlichte or Schuster were materially false or misleading.

Summary

The court emphasizes the necessity of pleading fraud with particularity under Rule 9(b) when it is a predicate act in a RICO claim. The passage highlights the requirement to specify the time, place, contents, and speaker of alleged misrepresentations, which is directly relevant to the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Silverstein v. Percudani, 422 F.Supp.2d 468 \(M.D. Pa. 2006\)](#)

U.S. District Court — Middle District of Pennsylvania

Extract

To successfully allege a RICO claim pursuant to 18 U.S.C. § 1962(c), a plaintiff must plead: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity,' as well as a direct injury to his business or property resulting from the conduct constituting a violation. *Sedima S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985). The fourth prong, 'racketeering activity,' is defined by predicate acts enumerated in 18 U.S.C. § 1961(1), which include both wire and mail fraud. Where fraud is the predicate act, the pleading is subject to heightened requirements of Federal Rule of Civil Procedure 9(b). ... Where, as here, plaintiffs rely on mail and wire fraud as a basis for a RICO violation, the allegations of fraud must comply with the Federal Rules of Civil Procedure, which requires that allegations of fraud be pled with specificity.... In order to satisfy Rule 9(b), plaintiffs must plead with particularity the circumstances' of the alleged fraud in order to place the defendants on notice of the precise misconduct with which they are charged, and to safeguard defendants against spurious charges of immoral and fraudulent behavior.

Summary

For a RICO claim involving fraud, the plaintiff must meet strict pleading standards under Rule 9(b). This includes detailing the specific circumstances of the alleged fraud to provide defendants with clear notice of the claims against them. The passage emphasizes the necessity of particularity in pleading fraud, which directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Layani v. Ouazana, Civil Action No. ELH-20-420 \(D. Md. Mar 03, 2021\)](#)

U.S. District Court — District of Maryland

Extract

Fed. R. Civ. P. 9(b) states: 'In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice,

intent, knowledge, and other conditions of a person's mind may be alleged generally.' Claims that sound in fraud, whether rooted in common law or arising under a statute, implicate the heightened pleading standard of Rule 9(b). ... To plead a civil RICO claim, the plaintiff must allege '1) conduct [causing injury to business or property] 2) of an enterprise 3) through a pattern 4) of racketeering activity.' ... Where a fraud claim is asserted as the predicate act for a civil RICO violation, Rule 9(b)'s particularity requirement applies.

Summary

Requirements under Federal Rule of Civil Procedure 9(b) for pleading fraud with particularity, which is directly relevant to RICO claims when fraud is alleged as a predicate act. It emphasizes the need for detailed allegations regarding the circumstances of the fraud, which aligns with the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Idowu v. Astheimer, Case No: C 10-02672 SBA \(N.D. Cal. Jan 11, 2011\)](#)

U.S. District Court — Northern District of California

Extract

Should Plaintiff decide to amend his complaint to allege a RICO claim based on mail and wire fraud, he should be aware of its rigorous pleading requirements. In addition to alleging facts to establish each of the elements of a RICO claim, Plaintiff must allege any claims of fraud (including wire fraud and mail fraud) alleged with particularity under Federal Rule of Civil Procedure 9(b). Thus, '[t]o avoid dismissal for inadequacy under Rule 9(b), [the] complaint would need to state the time, place, and specific content of the false representations as well as the identities of the parties to the misrepresentation.'

Summary

RICO claims involving allegations of fraud must meet strict pleading standards under Federal Rule of Civil Procedure 9(b). This includes detailing the time, place, and specific content of false representations and identifying the parties involved. This supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Nastrom v. New Century Mortg. Corp., 1:11cv01998 DLB \(E.D. Cal. Jun 08, 2012\)](#)

U.S. District Court — Eastern District of California

Extract

Defendants argue that Plaintiffs have failed to state a RICO cause of action. To state a claim for RICO, Plaintiffs must plead: (1) the existence of a RICO enterprise; (2) the existence of a pattern of racketeering activity, established by at least two predicate acts identified by 18 U.S.C. § 1961(a); (3) a nexus between the defendant and either the pattern of racketeering activity or the RICO enterprise; and (4) resulting injury to the plaintiff's business or property. *Occupational-Urgent Care Health Sys., Inc. v. Sutro & Co., Inc.*, 711 F. Supp. 1016, 1021 (E.D. Cal. 1989). Where, as here, fraud is alleged to be the racketeering activity, the pleading must 'state with particularity the circumstances constituting fraud or mistake.' ... Plaintiffs fail to meet the heightened pleading requirements for a fraud-based RICO claim. They have not included any actual facts pertaining to Defendants (or themselves) or stating any of the circumstances constituting fraud with any degree of particularity.

Summary

The passage outlines the essential elements required to state a RICO claim, particularly when fraud is alleged as the racketeering activity. It emphasizes the necessity of meeting the heightened pleading standards under Federal Rule of Civil Procedure 9(b), which requires stating the circumstances of fraud with particularity. This directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Huszar v. Zeleny, 269 F.Supp.2d 98 \(E.D. N.Y. 2003\)](#)

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

Extract

In order to bring a RICO claim, a plaintiff must allege (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly to conduct or participate in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce. ... Here, the amended complaint repeatedly asserts a claim for RICO. However, the plaintiff in no way elaborates on how the defendants were engaged in a 'racketeering activity' or how they participated in an 'enterprise.' Indeed, it is not even alleged that their activities affected interstate or foreign commerce, as this case is merely an outgrowth of the marital proceedings involving the sale of the marital property. As such, the Court finds that the RICO claim against the defendants must be dismissed.

Summary

The court requires specific and detailed allegations to support a RICO claim. The failure to elaborate on how the defendants engaged in racketeering

activity or participated in an enterprise, and the lack of allegations regarding the effect on interstate or foreign commerce, led to the dismissal of the RICO claim. This aligns with the proposition that strict pleading requirements under Federal Rule of Civil Procedure 9(b) must be met, and failure to do so could result in dismissal.

[De Wit v. Firststar Corp., 879 F.Supp. 947 \(N.D. W.Va. 1995\)](#)

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

Extract

In *Jepson, Inc. v. Makita Corp.*, 34 F.3d 1321 (7th Cir.1994), the Seventh Circuit Court of Appeals found plaintiffs' amended complaint 'to be wanting in critical respects' in its allegations of mail and wire fraud. *Id.* at 1327. The court concluded that the heightened standard for pleading of fraud found in Fed.R.Civ.P. 9(b) 'of course ... applies to allegations of mail and wire fraud and by extension to RICO claims that rest on predicate acts of mail and wire fraud.' ... Rule 9(b) requires that 'in all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity.' Fed.R.Civ.P. 9(b). These requirements have not been met as to the allegations of this predicate act.

Summary

RICO claims involving allegations of fraud must meet the heightened pleading standards of Rule 9(b). This requires the plaintiff to state with particularity the circumstances constituting fraud, including specific details about the alleged fraudulent acts. The passage highlights the importance of meeting these standards to avoid dismissal of the RICO claim, which directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Teri Woods Publ'g, L.L.C. v. Williams, CIVIL ACTION No. 12-04854 \(E.D. Pa. Apr 12, 2013\)](#)

U.S. District Court — Eastern District of Pennsylvania

Extract

Here, it is evident from the face of the Complaint that Plaintiffs' RICO claims sound in fraud. Where a claim is rooted in fraud, the heightened pleading requirements of Rule 9(b) are activated. See Fed. R. Civ. P. 9(b). However, Plaintiffs have set forth only generalized facts, and failed to plead with the specificity required under the rule. *Rolo*, 155 F.3d at 658-59 (complaint must assert more than generalized facts, it must allege facts specific to the plaintiff). The Complaint lacks the 'what, how, where and when' underlying a

proper fraud claim and is devoid of any injection of precision or measure of substantiation of such claims.

Summary

When a RICO claim is based on fraud, the plaintiff must meet the heightened pleading requirements of Rule 9(b). This includes providing specific details about the fraudulent acts, such as the "what, how, where and when." The passage illustrates that failure to meet these requirements can lead to dismissal of the claims, as seen in the dismissal of the RICO claims in the case due to lack of specificity.

[Sterling v. Deutsche Bank Nat'l Tr. Co., 19 Civ. 205 \(GBD\) \(JW\) \(S.D. N.Y. Mar 27, 2023\)](#)

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

Extract

Moreover, where the predicate acts are alleged to involve fraud, as is the case here, the plaintiff must also satisfy the heightened pleading standard of Federal Rule of Civil Procedure 9(b), which requires such a party to 'state with particularity the circumstances constituting fraud or mistake.' Fed.R.Civ.P. 9(b). In an action '[w]here multiple defendants are asked to respond to allegations of fraud, the complaint should inform each defendant of the nature of his alleged participation in the fraud.' Angermeir v. Cohen, 14 F.Supp.3d 134, 147 (S.D.N.Y. 2014) (quoting DiVittorio v. Equidyne Extractive Indus., Inc., 822 F.2d 1242, 1247 (2d Cir. 1987)).

Summary

When fraud is alleged as a predicate act in a RICO claim, the plaintiff must meet the heightened pleading standard of Rule 9(b). This requires detailing the circumstances of the fraud with particularity, including the roles of each defendant. This supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Joseph v. Gen. Conference Corp. of 7th Day Adventist, Civil Action 23-21552-Civ-Scola \(S.D. Fla. Feb 26, 2025\)](#)

U.S. District Court — Southern District of Florida

Extract

Because Plaintiff's claim arises from an alleged pattern of racketeering consisting of fraud, his substantive RICO allegations must comply not only with the plausibility criteria articulated in Twombly and Iqbal, but also with Federal Rule of Civil Procedure 9(b)'s heightened pleading standard. See

Ambrosia Coal & Constr. Co. v. Pages Morales, 482 F.3d 1309, 1316 (11th Cir. 2007) (holding that civil RICO claims, which are 'essentially a certain breed of fraud claims, must be pled with an increased level of specificity' under Rule 9(b)). Rule 9(b) requires that '[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake.' Fed.R.Civ.P. 9(b). To satisfy the Rule 9(b) standard, RICO complaints must allege: (1) the precise statements, documents, or misrepresentations made; (2) the time and place of and person responsible for the statement; (3) the content and manner in which the statements misled the Plaintiffs; and (4) what the Defendants gained by the alleged fraud.

Summary

Legal basis for the necessity of detailed pleadings in RICO cases involving fraud.

[Loring v. Nelson, No.: 3:19-cv-185 \(E.D. Tenn. Dec 19, 2019\)](#)

U.S. District Court — Eastern District of Tennessee

Extract

Defendants contend Plaintiffs' complaint fails to meet Federal Rule of Civil Procedure 9(b)'s heightened pleading requirements... Specifically, Defendants assert the complaint alleges several predicate offenses as part of the claim under the Racketeer Influenced and Corrupt Organizations Act ('RICO'), 18 U.S.C. §§ 1961-1968, but rarely does it identify which defendant allegedly committed the predicate act, how it was committed, and when, and the complaint does not adequately allege how Plaintiffs were damaged... Rule 9(b)'s heightened pleading standard applies to RICO claims that involve allegations of fraud... In alleging open-ended continuity, the complaint states, 'Defendants' emails and communications amongst themselves and to Justice's counsel or Justice via email or phone establishes wire fraud within the meaning of RICO.'... Plaintiffs cannot simply state communications exist to establish wire fraud; the complaint must allege the time, place, and content of the misrepresentation upon which Plaintiffs relied.

Summary

RICO claims involving fraud must meet the heightened pleading standards of Rule 9(b). This requires the plaintiff to detail the circumstances of the fraud with particularity, including the specifics of each predicate act, the roles of the defendants, and the impact on the plaintiff. The passage illustrates the necessity of these details by highlighting deficiencies in the plaintiffs' complaint in the case at hand, which failed to specify the time, place, and content of alleged fraudulent communications. This supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[King v. G4S Secure Sols. \(U.S.\) Inc., CASE NO. 1:18 CV 448 \(N.D. Ohio Feb 22, 2019\)](#)

U.S. District Court — Northern District of Ohio

Extract

In order to state a RICO claim, the statute requires a plaintiff to allege (with the specificity required by Rule 9(b)): '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Heinrich v. Waiting Angels Adoption Servs., Inc.*, 668 F.3d 393, 403-04(6th Cir. 2012), citing *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985). ... At best, Plaintiffs have added paragraphs 81 and 82 to satisfy the rendition of the elements of a RICO claim under §1962(c). As such, these allegations do not meet the standards of pleading under Rule 9(b) and *Iqbal/Twombly*. Having failed to successfully plead all of the required elements a RICO claim, Count VI will be dismissed.

Summary

Necessity for a plaintiff to meet specific pleading standards when alleging a RICO claim, particularly when fraud is involved. It emphasizes the requirement to detail the conduct, enterprise, pattern, and racketeering activity with specificity as per Rule 9(b). The failure to meet these standards, as demonstrated in the case, results in dismissal of the claim. This directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[State Farm Mut. Auto. Ins. Co. v. Misra, 658 F.Supp.3d 362 \(W.D. Tex. 2023\)](#)

U.S. District Court — Western District of Texas

Extract

Consistent with [Fed. R. Civ. P.] 9(b), a RICO plaintiff alleging predicate acts of fraud... must plead the circumstances of that fraud with particularity. Defendants contend that Plaintiffs failed to plead the predicate act of mail fraud with particularity. The RICO statute defines 'racketeering activity,' and identifies a number of predicate criminal acts including 'section 1341 (relating to mail fraud).' The particularity pleading requirements of Fed. R. Civ. P. 9(b) apply to RICO claims based on predicate acts of fraud.

Summary

RICO claims involving fraud must meet the heightened pleading standards of Rule 9(b), which requires plaintiffs to state with particularity the circumstances constituting fraud. This includes detailing each predicate act and how it caused the plaintiff's injuries. The passage emphasizes the

necessity of particularity in pleading, which directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Zucker v. Farish, Civil Action No. 3:18-CV-01790-K \(N.D. Tex. Dec 12, 2018\)](#)

U.S. District Court — Northern District of Texas

Extract

Because Plaintiffs fail to allege a plausible claim for relief for their civil RICO claim, the Court GRANTS the Motion as to the civil RICO claim and DISMISSES WITHOUT PREJUDICE Count Ten of Plaintiffs' Verified Complaint... When a plaintiff suffers an injury because of a defendant's RICO violation, the plaintiff may bring a civil RICO action. 18 U.S.C. § 1964(c) (2012)... To state a claim based upon any four of the prohibited activities in § 1962, 'a plaintiff must allege: 1) the conduct; 2) of an enterprise; 3) through a pattern; 4) of racketeering activity.'... Relevant to this Order, any civil RICO claim must properly plead (1) a pattern (2) of racketeering activity... As addressed in the Court's previous analysis, such pleading is inappropriate, especially when Rule 9(b) applies to a claim.

Summary

The passage highlights the necessity for plaintiffs to meet strict pleading standards when alleging a civil RICO claim, especially when fraud is involved. The court emphasizes the requirement to detail the conduct, enterprise, pattern, and racketeering activity, aligning with Federal Rule of Civil Procedure 9(b). The failure to meet these standards led to the dismissal of the RICO claim in this case, underscoring the importance of meticulous pleading.

[Soo J. Ko v. Univ. of the Potomac at Chi., 24 C 1455 \(N.D. Ill. Aug 07, 2024\)](#)

U.S. District Court — Northern District of Illinois

Extract

The Court will apply the ordinary Rule 8(a) pleading requirements to the non-fraud elements of Plaintiffs' RICO claim and Rule 9(b) to the mail and wire fraud allegations for Plaintiffs' pattern of racketeering activity. ... In the absence of particular facts to put each corporate defendant on notice for its alleged involvement in the predicate acts, plaintiffs' allegations are insufficient to satisfy Rule 9(b)'s requirements.

Summary

The passage highlights the necessity of adhering to Rule 9(b) when fraud is alleged in RICO claims, emphasizing the requirement for particularity in pleading the circumstances constituting fraud. This aligns with the proposition that the husband must meticulously detail his RICO claim, including specific allegations of each predicate act and the roles of the involved parties. The passage also underscores the potential for dismissal if these stringent pleading standards are not met.

[Occupational-Urgent Care H. Sys. v. Sutro & Co., 711 F. Supp. 1016 \(E.D. Cal. 1989\)](#)

U.S. District Court — Eastern District of California

Extract

A RICO complaint is subject to dismissal, however, if the pleader does not properly allege the required 'predicate acts.' ... Plaintiff is required to plead at least two predicate acts with particularity. ... Plaintiff must either plead facts or the source of its information in order to get over the initial hurdle of pleading the predicate offenses.

Summary

The passage highlights the necessity for a RICO complaint to properly allege the required predicate acts with particularity, as mandated by Federal Rule of Civil Procedure 9(b). This aligns with the proposition that the husband must ensure his RICO claim is meticulously detailed, including specific allegations of each predicate act. The passage also emphasizes that failure to meet these pleading standards could result in dismissal, which directly supports the proposition's warning about potential dismissal for inadequate pleading.

[Lerner v. Colman, 485 F.Supp.3d 319 \(D. Mass. 2020\)](#)

U.S. District Court — District of Massachusetts

Extract

Federal Rule of Civil Procedure 9(b) creates a heightened pleading standard for allegations of fraud, under which 'a party must state with particularity the circumstances constituting fraud or mistake,' though the elements of '[m]alice, intent, knowledge, and other conditions of a person's mind may be alleged generally.' Where, as here, 'the predicate acts supporting a RICO claim sound in fraud, the plaintiff must assert all elements of his RICO claim according to the heightened pleading requirements of Fed. R. Civ. P. 9(b).'

Summary

RICO claims involving allegations of fraud must meet the heightened pleading standards set by Federal Rule of Civil Procedure 9(b). This requires the plaintiff to detail the circumstances of the fraud with particularity, which includes specifying each predicate act and the roles of individuals involved. This is directly relevant to the proposition, as it emphasizes the necessity for the husband to meticulously detail his RICO claim to avoid dismissal.

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

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

Extract

A principal ground for dismissal was failure to comply with Federal Rule of Civil Procedure 9(b) (pleading fraud with particularity). The Rule embraces not only fraud in the inducement for liability, but also concealment for tolling the statute of limitations... Most courts hold that plaintiffs pleading fraud must identify the time and place of the fraud, the contents, if any, of the alleged misrepresentations or omissions, and the identity of the party or parties perpetrating the fraud. A failure to plead fraud with particularity may warrant dismissal of the complaint.

Summary

RICO claims involving fraud must be pleaded with particularity as required by Federal Rule of Civil Procedure 9(b). This includes detailing the time, place, and nature of the fraudulent acts, as well as identifying the parties involved. Failure to meet these standards can lead to dismissal of the complaint. This supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[CHAPTER § 10.04 State and Federal Causes of Action and Defenses](#)

Regulation of Pharmaceutical Manufacturers - Full Court Press

Extract

TPP plaintiffs face a number of hurdles in pursuing RICO claims. As a threshold matter, they must satisfy the requirements of Federal Rule of Civil Procedure 9(b). To do so, 'the complaint must: specify the statements that the plaintiff contends were fraudulent, identify the speaker, state where and when the statements were made, and explain why the statements were fraudulent.' Courts give 'particular scrutiny' to civil RICO claims when

applying Rule 9(b). The use of 'conclusory adjectives' is insufficient to state a claim under RICO.

Summary

Civil RICO claims are subject to heightened pleading standards under Rule 9(b), which require detailed and specific allegations of fraud. This aligns with the proposition that the husband must meticulously detail his RICO claim, including specific allegations of each predicate act and the roles of the mother and stepfather, to avoid dismissal. The passage underscores the importance of meeting these standards to maintain a viable RICO claim.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity.

Summary

Essential elements required to state a RICO claim under § 1962(c), emphasizing the necessity of pleading each element with particularity, especially when fraud is involved. This aligns with the proposition that the husband must meticulously detail his RICO claim, including specific allegations of each predicate act and the roles of the mother and stepfather, to avoid dismissal. The passage also highlights the strict pleading requirements under Federal Rule of Civil Procedure 9(b), which supports the need for detailed allegations in RICO claims involving fraud.

[H. Rept. 104-50 Part 1- Common Sense Legal Reforms Act of 1995, 1995-02-24](#)

Congressional Committee Reports

Extract

In any private action to which subsection (a) applies, the complaint shall specify each statement or omission alleged to have been misleading, and the reasons the statement or omission was misleading. The complaint shall also make specific allegations which, if true, would be sufficient to establish

scienter as to each defendant at the time the alleged violation occurred. It shall not be sufficient for this purpose to plead the mere presence of facts inconsistent with a statement or omission alleged to have been misleading. If an allegation is made on information and belief, the complaint shall set forth with specificity all information on which that belief is formed. ... In any private action to which subsection (a) applies, the court shall, on the motion of any defendant, dismiss the complaint if the requirements of subsection (b) are not met, except that the court may, in its discretion, permit a single amended complaint to be filed.

Summary

The pleading requirements for fraud, including RICO claims, are stringent. The complaint must specify misleading statements or omissions and the reasons they are misleading. It must also establish scienter with specific allegations. Failure to meet these requirements can lead to dismissal, which aligns with the proposition that the husband must ensure his RICO claim is meticulously detailed to avoid dismissal.

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

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' ... First, to bring a civil RICO claim, a plaintiff must demonstrate that their business or property was injured as a result of a RICO violation. ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. ... And oftentimes, because there is a fraud component, those instances must be particularly identified in the plaintiff's pleading—a barrier that can prove difficult to accomplish.

Summary

Strict requirements for pleading a civil RICO claim, particularly when fraud is alleged. It emphasizes the necessity for the plaintiff to demonstrate a concrete financial loss, plead specific criminal actions, and detail a pattern of racketeering activity. These requirements align with the proposition that the husband must meticulously detail his RICO claim, including specific allegations and roles of involved parties, to avoid dismissal.

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

Extract

RICO claims are challenging to prove and often can be dismissed before parties engage in discovery... the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud... the plaintiff must plead a pattern of racketeering activity for most RICO claims... those instances must be particularly identified in the plaintiff's pleading—a barrier that can prove difficult to accomplish.

Summary

RICO claims require specific and detailed pleadings, especially when fraud is alleged. The passage highlights the necessity for plaintiffs to meticulously detail each predicate act and the roles of individuals involved, aligning with the proposition's emphasis on strict pleading requirements under Federal Rule of Civil Procedure 9(b). The passage also underscores the potential for dismissal if these standards are not met, which directly supports the proposition's warning about the consequences of failing to meet pleading standards.

[SCOTUS Clarified RICO's Domestic Injury Requirement, Did Not Create New Civil Right Of Action For Enforcing Arbitration Awards](#)

Extract

Post-Smagin, civil RICO remains a longshot claim with heavy burdens and discouraging odds. Smagin neither changes the complex substantive standards applicable to civil RICO claims nor increases a plaintiff's chances of prevailing on the merits of such claims. Instead, the Supreme Court merely confirmed that foreign plaintiffs can meet the domestic injury requirement, which is but one of the many requirements needed to substantiate a civil RICO claim. Would-be plaintiffs still must overcome highly-burdensome challenges inherent in civil RICO claims, including exacting requirements to establish a RICO enterprise, a pattern of racketeering activity and the elements of specifically-enumerated predicate acts. When claims are fraud-based (most civil RICO theories are), the heightened specificity requirements of Rule 9 of the Federal Rules of Civil Procedure compound each of these burdens.

Summary

Civil RICO claims are inherently challenging due to the complex substantive standards and the need for detailed and specific allegations, especially when fraud is involved. The passage highlights the burdensome nature of these claims and the necessity for plaintiffs to meet the heightened specificity requirements of Rule 9(b) of the Federal Rules of Civil Procedure. This directly supports the proposition that the husband must meticulously detail his RICO claim to avoid dismissal.

[Complex AKS/Stark Complaint Survives Rule 9\(b\) Particularity Challenge ' A Guide For FCA Complaints](#)

Extract

Generally, a complaint will survive a motion to dismiss if it states a plausible claim and allows a court to reasonably infer the defendant's liability for the allegations made therein. Merely reciting the elements of a cause of action followed by a general statement of liability is insufficient. Further, where a complaint alleges claims under the FCA, Rule 9(b) of the Federal Rules of Civil Procedure ('Rule 9(b)') applies and requires that the complaining party 'state with particularity the circumstances constituting fraud or mistake.' Fed. R. Civ. P. 9(b). As noted by the court, Rule 9(b) imposes a more exacting pleading standard and requires the complaint to allege facts as to time, place, and substance of the defendant's alleged fraud, specifically the details of the defendant's allegedly fraudulent acts, when they occurred, and who engaged in them.

Summary

Rule 9(b) requires a heightened pleading standard for fraud claims, necessitating detailed allegations about the fraudulent acts, including specifics about the time, place, and individuals involved. This aligns with the proposition that the husband must meticulously detail his RICO claim to meet these standards and avoid dismissal.

This memo was compiled by Vincent AI based on vLex materials available as of June 10, 2025. [View full answer on vLex](#)