

Question

The wife and stepfather may argue that their actions were part of a domestic dispute rather than a criminal enterprise. The husband may face challenges in proving the intent behind the wife's and stepfather's actions, as well as the connection between the predicate acts and the alleged injury. RICO claims require proof of a criminal enterprise and a pattern of racketeering activity, which can be difficult to establish in cases involving personal or domestic disputes. The husband must provide clear evidence of the fraudulent scheme, the predicate acts, and the resulting injury to overcome these challenges and establish a viable RICO claim.

Answer (U.S. Federal)

Short response

RICO claims in domestic dispute contexts face significant challenges due to the need to demonstrate a criminal enterprise distinct from personal disagreements and establish a pattern of racketeering activity. Successfully pursuing such claims requires clear evidence of fraudulent conduct causing specific injury to business or property, elements that are difficult to establish when defendants can characterize their actions as part of ordinary domestic conflicts.

Summary

The Racketeer Influenced and Corrupt Organizations Act (RICO) was designed to combat organized criminal activity, requiring plaintiffs to prove conduct of an enterprise through a pattern of racketeering activity that causes injury to business or property. In the context of domestic disputes, establishing these elements presents substantial hurdles, as actions taken within familial relationships are not typically characterized as criminal enterprises. When a wife and stepfather argue that their actions were merely part of a domestic dispute rather than organized criminal activity, this defense directly challenges the fundamental enterprise and pattern elements required under RICO.

To overcome these challenges, a husband bringing such claims needs compelling evidence that demonstrates the wife and stepfather formed an actual enterprise with a common purpose and organizational structure, engaged in specific predicate acts that constitute racketeering activity, and that these acts caused concrete financial injury to his business or property. Courts have consistently applied demanding standards for RICO claims, emphasizing that the statute was designed for widespread fraud and organized criminal activity, not ordinary disputes or personal conflicts. Without clear evidence distinguishing the alleged conduct from typical domestic disagreements, such claims are unlikely to survive judicial scrutiny.

Background and Relevant Law

Elements of a Civil RICO Claim

The Racketeer Influenced and Corrupt Organizations Act (RICO) provides a civil cause of action for individuals who have been injured by certain patterns of criminal activity. To establish a viable RICO claim under 18 U.S.C. § 1962(c), plaintiffs must demonstrate several essential elements.

The fundamental elements of a RICO claim are consistently described across federal jurisprudence. As articulated in [La Ronde-Bey v. Chica](#), a plaintiff must show: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." Similar formulations appear in [Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#) and [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp. 3d 560 \(E.D. Va. 2020\)](#).

These elements are deliberately demanding. The court in [Studco Bldg. Sys.](#) emphasized that RICO's elements are "'demanding' because 'Congress contemplated that only a party engaging in widespread fraud would be subject to RICO's serious consequences.'" This underscores that RICO was not designed for ordinary disputes but rather for serious, organized criminal activity.

Enterprise Requirement

A critical component of any RICO claim is establishing the existence of an "enterprise." According to [La Ronde-Bey v. Chica](#), an "enterprise" includes "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity."

In [Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990 \(9th Cir. 2014\)](#), the Ninth Circuit elaborated that to show the existence of an enterprise, "plaintiffs must plead that the enterprise has (A) a common purpose, (B) a structure or organization, and (C) longevity necessary to accomplish the purpose."

Importantly, [Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#) notes that "any RICO enterprise must consist of more than a group of people who get together to commit a pattern of racketeering activity." The enterprise must be "distinct, separate, and apart from a pattern of racketeering activity." This requirement poses a particular challenge in domestic dispute contexts, where the relationship between parties may not constitute a distinct enterprise with organizational structure.

Pattern of Racketeering Activity

Beyond establishing an enterprise, a plaintiff must also demonstrate a "pattern of racketeering activity." As defined in various cases, this requires at least two predicate acts of racketeering within a ten-year period.

[Marshall v. Goguen, 604 F.Supp.3d 980 \(D. Mont. 2022\)](#) explains that a "'pattern' of racketeering activity requires evidence of at least two predicate acts within ten years of one another," which the Supreme Court has interpreted to require "similarity between both the acts (relationship) and continuing activity (continuity)."

Moreover, [Studco Bldg. Sys.](#) clarifies that "simply proving two or more predicate acts is insufficient for a RICO plaintiff to succeed." The plaintiff "must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity." This reinforces the high standard required for establishing a pattern under RICO.

Standing and Injury Requirement

For a plaintiff to have standing to bring a RICO claim, they must demonstrate a specific kind of injury. [La Ronde-Bey v. Chica](#) states that a plaintiff "only has standing to bring a RICO claim if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation." Crucially, the court notes that "personal injury or emotional harm are not proper bases for a RICO claim."

The secondary source [Defending RICO Claims In The Business Context Part II: RICO Claims Must Allege Injury To Business Or Property](#) emphasizes that "the plaintiff must allege that he suffered an injury to his business or property that bears some causal relationship to the alleged act or acts that violated RICO." This causal relationship between the predicate acts and the specific business or property injury is essential for establishing standing.

Pleading Standard

RICO claims, particularly those involving fraud, are subject to heightened pleading standards. [Sundquist v. Hultquist](#) notes that "allegations of fraud in a civil RICO complaint are subject to Rule 9(b)'s heightened pleading standard, which requires a plaintiff to plead all averments of fraud with particularity."

Similarly, [Civil Rico: A Tool of Advocacy](#) highlights that "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." This means vague allegations or general assertions of wrongdoing are insufficient to survive judicial scrutiny.

Analysis: Challenges in the Domestic Dispute Context

Difficulty Establishing an Enterprise in Domestic Relationships

In the context of a domestic dispute, proving the existence of an enterprise that meets RICO's requirements presents significant challenges. When a wife and stepfather claim their actions were part of a domestic dispute, they directly challenge the enterprise element of a RICO claim.

Family relationships, even those involving alleged wrongdoing, do not automatically constitute the type of enterprise contemplated by RICO. As [Sundquist v. Hultquist](#) explains, an enterprise must be "distinct, separate, and apart from a pattern of racketeering activity." In domestic contexts, it can be difficult to demonstrate that family members formed an organized entity with the common purpose, structure, and longevity necessary to qualify as a RICO enterprise.

[Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#) provides some flexibility in that "the common or shared purpose of the 'RICO enterprise' [need not] in fact be the criminal or injurious scheme of which the plaintiff complains," but the enterprise must still have "continuity of structure and structure distinct from that inherent in a pattern of racketeering activity." Establishing this distinct structure in a family relationship poses a significant hurdle.

Proving Criminal Intent vs. Domestic Conflict

A fundamental challenge in applying RICO to domestic disputes is distinguishing criminal intent from actions that, while potentially harmful, are part of personal or family conflicts. [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) emphasizes that "if there is nothing criminal in nature about the complained-of conduct, RICO should not apply."

The wife and stepfather's argument that their actions were merely part of a domestic dispute directly challenges the criminal intent element needed for RICO predicate acts. Courts are generally cautious about applying RICO to what might be characterized as ordinary disputes. As noted in [Saine v. AIA, INC., 582 F.Supp. 1299 \(D. Colo. 1984\)](#), courts must "avoid a slavish literalism that would escort into federal court through RICO what traditionally have been civil actions in state courts."

This judicial reluctance to expand RICO beyond its intended scope creates an additional hurdle for the husband to overcome. He must convincingly demonstrate that the wife and stepfather's actions constituted criminal activity rather than merely harmful conduct within a domestic dispute.

Challenges in Establishing a Pattern of Racketeering Activity

Even if individual predicate acts can be established, demonstrating a pattern of racketeering activity in domestic disputes presents its own challenges. [Studco Bldg. Sys.](#) emphasizes that RICO's remedies are not appropriate for "the ordinary run of commercial transactions." By extension, they are even less appropriate for ordinary domestic conflicts.

The pattern requirement demands both relationship between the acts and continuity of criminal activity. RICO: A Primer explains that "proof of 'continuity plus relationship' is necessary" for establishing a pattern. In domestic disputes, actions may be isolated or sporadic rather than continuous, making it difficult to demonstrate the required pattern.

Additionally, [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) notes that "if the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim." This continuity requirement presents a substantial obstacle when the alleged wrongdoing occurs within the context of a domestic relationship rather than an ongoing criminal enterprise.

Proving Injury to Business or Property

Another significant challenge involves demonstrating the specific type of injury required for RICO claims. [La Ronde-Bey v. Chica](#) explicitly states that "personal injury or emotional harm are not proper bases for a RICO claim." The plaintiff must show "a concrete financial loss in the form of an injury to business or property."

In domestic disputes, injuries often include emotional distress, reputation damage, and other personal harms that do not qualify as injuries to business or property under RICO. The husband must identify and prove specific financial losses directly caused by the alleged racketeering activity to establish standing for a RICO claim.

Furthermore, [Defending RICO Claims In The Business Context Part II](#) emphasizes that the plaintiff must show damages that are "known" rather than "mere speculative or unprovable damages." This requirement for concrete, provable financial damages adds another layer of difficulty to establishing a RICO claim in a domestic context.

Heightened Pleading Standards

The heightened pleading standards applicable to RICO claims present yet another obstacle. [Civil Rico: A Tool of Advocacy](#) notes that "the practitioner through their pleadings must articulate with great care and attention a viable racketeering claim." This is particularly challenging in domestic disputes, where specific details about alleged fraudulent schemes may be difficult to articulate with the required particularity.

As [Tashjian v. Deutsche Bank](#) demonstrates, courts will dismiss RICO claims that "do not contain sufficient factual material from which the Court can reasonably infer that the defendants' alleged actions were the conduct of an enterprise through a pattern of racketeering activity." The husband would need to provide specific, non-conclusory facts showing both the enterprise and pattern elements to survive judicial scrutiny.

Evidentiary Requirements to Establish a Viable RICO Claim

Clear Evidence of a Fraudulent Scheme

To overcome the defense that actions were merely part of a domestic dispute, the husband must provide clear evidence of a fraudulent scheme. [Eclectic Props. E., LLC v. Marcus & Millichap Co.](#) notes that racketeering activity involving mail and wire fraud requires evidence of "the formation of a scheme to defraud" and "the specific intent to defraud."

This evidence must be specific and detailed enough to satisfy the heightened pleading standards. Vague allegations or general assertions of wrongdoing will be insufficient to establish a fraudulent scheme, particularly when the defendants can characterize their actions as part of normal, if contentious, domestic relations.

Specific Predicate Acts

The husband must also identify and provide evidence of specific predicate acts that qualify as racketeering activity under RICO. [Nutrition Distribution LLC v. Custom Nutraceuticals LLC](#), 194 F.Supp.3d 952 (D. Ariz. 2016) emphasizes that "the plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim."

This means that for each alleged predicate act, the husband must provide evidence that meets all elements of the underlying crime. For example, if mail or wire fraud is alleged, there must be evidence of a scheme to defraud, use of mail or wires, and specific intent to defraud. The evidence must be sufficiently detailed to differentiate criminal activity from non-criminal domestic disputes.

Concrete Evidence of Injury to Business or Property

To establish standing for a RICO claim, the husband must provide concrete evidence of injury to his business or property. As [La Ronde-Bey v. Chica](#) makes clear, personal injury or emotional harm is insufficient for a RICO claim.

The husband would need to demonstrate specific financial losses directly caused by the alleged racketeering activity. This requires establishing not

only the existence of damages but also a causal connection between those damages and the alleged wrongful conduct.

Exceptions and Caveats

Domestic Relations Exception to Federal Jurisdiction

While not directly addressed in the provided materials, it is worth noting that federal courts have traditionally been reluctant to intervene in domestic relations matters. This judicial philosophy, known as the domestic relations exception to federal jurisdiction, could further complicate a RICO claim arising from what is characterized as a domestic dispute.

Although RICO provides federal jurisdiction, courts might view with skepticism attempts to transform what they perceive as fundamentally domestic matters into federal racketeering claims. This could lead to additional scrutiny of the enterprise and pattern elements when the underlying conflict is domestic in nature.

Distinguishing Criminal Enterprises from Domestic Relationships

The line between a RICO enterprise and a domestic relationship can be difficult to define. [Reynolds v. Condon](#) suggests that an enterprise need not have an inherently criminal purpose, but it must still have organizational characteristics distinct from the pattern of racketeering activity.

In domestic contexts, this distinction can be particularly blurry. Family relationships already have their own structures and purposes independent of any alleged wrongdoing. However, these natural family structures may not necessarily constitute the type of enterprise contemplated by RICO, which was designed primarily to address organized criminal activity.

Conclusion

Successfully establishing a RICO claim in the context of a domestic dispute presents formidable challenges. The husband faces significant hurdles in proving that the wife and stepfather's actions constituted conduct of an enterprise through a pattern of racketeering activity rather than merely actions taken within the context of a domestic conflict.

To overcome these challenges, the husband must provide clear evidence that distinguishes the alleged wrongdoing from ordinary domestic disputes. This includes establishing the existence of an enterprise with organizational structure, demonstrating a pattern of related and continuous criminal activity, and providing concrete evidence of injury to business or property directly caused by the alleged racketeering activity.

The courts have consistently emphasized that RICO was designed to address organized criminal activity and widespread fraud, not ordinary disputes or

personal conflicts. As stated in [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union](#), RICO's elements are "'demanding' because 'Congress contemplated that only a party engaging in widespread fraud would be subject to RICO's serious consequences.'"

In the absence of compelling evidence that clearly establishes all required elements, courts will likely be reluctant to allow RICO claims to proceed in what they perceive as fundamentally domestic disputes. The wife and stepfather's defense that their actions were part of a domestic dispute rather than a criminal enterprise directly challenges the core elements required for a successful RICO claim and presents a substantial obstacle for the husband to overcome.

Only with specific, detailed evidence of a fraudulent scheme, qualifying predicate acts, and concrete financial injury can the husband hope to establish a viable RICO claim in the face of the domestic dispute defense. The burden of proof is substantial, reflecting the courts' careful approach to applying RICO's serious consequences only in cases that truly involve the organized criminal activity the statute was designed to combat.

Legal Authorities

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

U.S. Court of Appeals — Second Circuit

Extract

We agree with the district court that the appellant has failed to allege any injury to its business 'by reason of a violation of section 1962,' as required by section 1964(c). The 'by reason of' standing limitation to RICO has been endorsed by a great many district courts... RICO was intended not simply to provide additional remedies for already compensable injuries, but rather to provide added remedies and procedures to fight certain specific kinds of organized criminality. The 'by reason of' language, therefore, requires that plaintiffs allege injury caused by an activity which RICO was designed to deter, which, whatever it may be, is different from that caused simply by such predicate acts as are alleged here.

Summary

The passage highlights the challenges in establishing a RICO claim, particularly the requirement to show an injury "by reason of" a RICO violation. This implies that the injury must be linked to the type of organized criminality RICO was designed to combat, rather than just any predicate acts. This supports the proposition that proving a RICO claim in a domestic dispute context can be difficult, as the husband must demonstrate a connection between the alleged acts and the type of criminal enterprise RICO targets.

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

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

Extract

More specifically, the defendants attack the plaintiff's RICO claim, the only one upon which federal jurisdiction is based, as time-barred, pleading no proper RICO enterprise or conduct of that enterprise by the RICO defendants, and failing to allege a pattern of racketeering activity or continuing criminal activity... Thus, to establish a RICO violation under 18 U.S.C. § 1962(c) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts.'... The court concludes here that there is no requirement that the common or shared purpose of the 'RICO enterprise' in fact be the criminal or injurious scheme of which the plaintiff complains, or even that the common or shared purpose be illegal activity aimed at this or other victims; the enterprise need only have a common or shared purpose, which may be legal or otherwise, and may be related to the predicate acts or not, as the case may be, as well as the other organizational characteristics of an enterprise, continuity of structure and structure distinct from that inherent in a pattern of racketeering activity... The court turned next to the adequacy of the pleading of the elements of a substantive RICO claim under § 1962(c). Although the court concludes that a law firm may properly be a 'RICO enterprise,' the court concludes that there are no adequate allegations, nor could there be, that the RICO defendants 'conducted' the affairs of that RICO enterprise through a pattern of racketeering.

Summary

Requirements for establishing a RICO violation, emphasizing the need for a plaintiff to demonstrate conduct of an enterprise through a pattern of racketeering activity. It highlights the challenges in proving the existence of a RICO enterprise, especially when the alleged enterprise may not have a shared illegal purpose. This supports the proposition that proving a RICO claim in a domestic dispute context can be difficult, as the husband must clearly establish the fraudulent scheme, predicate acts, and resulting injury.

[Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#)

U.S. District Court — Northern District of Indiana

Extract

RICO is a 'unique cause of action that is concerned with eradicating organized, long-term, habitual criminal activity.' ... the existence of an 'enterprise' and a 'pattern of racketeering' are elements that are fundamental to each subsection. ... Before a RICO plaintiff can allege a 'pattern of racketeering activity,' he must plead instances of 'racketeering

activity' or 'predicate acts.' ... Allegations of fraud in a civil RICO complaint are subject to Rule 9(b)'s heightened pleading standard, which requires a plaintiff to plead all averments of fraud with particularity. ... The 'first rule' of pleading a RICO claim is that the 'plaintiff must identify the enterprise.' ... Any RICO enterprise must consist of more than a group of people who get together to commit a pattern of racketeering activity. ... The enterprise must be 'distinct, separate, and apart from a pattern of racketeering activity.'

Summary

Requirements for establishing a RICO claim, emphasizing the need for a distinct enterprise and a pattern of racketeering activity. It highlights the challenges in proving such claims, especially in cases that may involve personal or domestic disputes, where the existence of an organized, long-term criminal enterprise is difficult to establish. The passage also notes the heightened pleading standard for fraud allegations, which requires particularity in the claims. This supports the proposition that the husband may face challenges in proving the intent and connection between the predicate acts and the alleged injury, as well as the difficulty in establishing a RICO claim in a domestic context.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

U.S. District Court — District of Arizona

Extract

To state a RICO civil claim, a plaintiff must allege '(1) the conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990, 997 (9th Cir.2014) (citation omitted). 'In addition, the conduct must be (5) the proximate cause of harm to the victim.' Id. (citation omitted). Pleading a pattern of racketeering activity requires the plaintiff to allege that the defendant participated in at least two acts that were chargeable under the enumerated federal statutes. The plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim.

Summary

To establish a RICO claim, a plaintiff must demonstrate the existence of a criminal enterprise and a pattern of racketeering activity. This requires proving at least two predicate acts that are chargeable under federal statutes and showing that these acts are related and pose a threat of continued criminal activity. The passage highlights the difficulty in establishing these elements, especially in cases that may involve personal or domestic disputes, where the intent and connection to a criminal enterprise may be less clear.

[La Ronde-Bey v. Chica](#)

U.S. District Court — Middle District of Pennsylvania

Extract

To establish a RICO claim under 18 U.S.C. § 1962(c), a plaintiff must show: “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” [] An “enterprise” includes “any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.” [] A “pattern” of racketeering activity requires at least two predicate acts of racketeering within a ten-year period. [] A plaintiff only has standing to bring a RICO claim if, and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation.[] Thus, a plaintiff must allege (and eventually prove) that he suffered a concrete financial loss in the form of an injury to business or property. Allegations of “personal injury or emotional harm are not proper bases for a RICO claim.”[]

Summary

Requirements for establishing a RICO claim, emphasizing the need for a plaintiff to demonstrate conduct of an enterprise through a pattern of racketeering activity. It also highlights the necessity for the plaintiff to show a concrete financial loss to business or property, rather than personal injury or emotional harm. This supports the proposition by illustrating the challenges in proving a RICO claim in personal or domestic disputes, where establishing a criminal enterprise and a pattern of racketeering activity can be difficult. The passage also underscores the importance of providing clear evidence of the fraudulent scheme, predicate acts, and resulting injury.

[Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#)

U.S. District Court — District of Massachusetts

Extract

Here, the plaintiff's complaint does not set forth a plausible claim for relief under the federal RICO statute. To plead a civil RICO action, a plaintiff must plead specific, non-conclusory, facts which, if accepted as true, show the existence of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... Even when 'trying to fish a gold coin' from Tashjian's papers, ... his pleadings do not set forth a plausible RICO claim. The complaint and other filings by the plaintiff do not contain sufficient factual material from which the Court can reasonably infer that the defendants' alleged actions were the conduct of an enterprise through a pattern of racketeering activity.

Summary

Requirements for a civil RICO claim, emphasizing the need for specific, non-conclusory facts to establish the existence of an enterprise and a pattern of racketeering activity. It highlights the challenges in proving these elements, especially in cases where the alleged misconduct may not clearly constitute a criminal enterprise or pattern of racketeering activity. This supports the proposition that proving a RICO claim in the context of a domestic dispute can be difficult, as the husband must provide clear evidence of the fraudulent scheme, predicate acts, and resulting injury.

[Saine v. AIA, INC., 582 F.Supp. 1299 \(D. Colo. 1984\)](#)

U.S. District Court — District of Colorado

Extract

RICO does not by its terms prohibit only the acts of those associated with 'organized crime.' It was, however, the declared purpose of Congress to 'seek the eradication of organized crime in the United States.' See *United States v. Turkette*, 452 U.S. 576, 589, 101 S.Ct. 2524, 2531, 69 L.Ed.2d 246 (1981). I therefore held, a few months ago, in *Noland v. Gurley*, 566 F.Supp. 210 (D.Colo.1983) that the courts must interpret RICO in the light of its purpose and 'avoid a slavish literalism that would escort into federal court through RICO what traditionally have been civil actions in state courts.'

Summary

The passage highlights that RICO is not limited to organized crime but should be interpreted in light of its purpose to avoid bringing traditional civil actions into federal court under RICO. This supports the proposition that proving a RICO claim in a domestic dispute can be challenging, as the courts are cautious about extending RICO to cases that may not align with its intended purpose. The passage suggests that the husband must provide clear evidence of a criminal enterprise and a pattern of racketeering activity, which can be difficult in personal disputes.

[Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp. 3d 560 \(E.D. Va. 2020\)](#)

U.S. District Court — Eastern District of Virginia

Extract

Generally, the elements of a civil Racketeer Influenced and Corrupt Organizations Act (RICO) claim are (1) a person, (2) an enterprise, (3) a pattern of (4) racketeering activity (5) which causes injury to the plaintiff. 18 U.S.C.A. § 1962 (a, c). ... These elements are 'demanding' because 'Congress

contemplated that only a party engaging in widespread fraud would be subject to RICO's serious consequences.' ... For a pattern of racketeering activity to exist, 'two or more predicate acts of racketeering must have been committed within a ten-year period.' ... RICO's remedies are not appropriate for 'the ordinary run of commercial transactions.' ... 'simply proving two or more predicate acts is insufficient for a RICO plaintiff to succeed.' ... 'a plaintiff ... must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Demanding nature of establishing a RICO claim, emphasizing the need for a clear demonstration of a criminal enterprise and a pattern of racketeering activity. It highlights that RICO's serious consequences are intended for widespread fraud, not ordinary disputes, and that proving two predicate acts alone is insufficient. This supports the proposition by illustrating the challenges the husband may face in proving the wife's and stepfather's actions as part of a criminal enterprise, especially in a domestic context.

[Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990 \(9th Cir. 2014\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

We start with the elements a plaintiff must plead to state a RICO violation... The RICO statute sets out four elements: a defendant must participate in (1) the conduct of (2) an enterprise that affects interstate commerce (3) through a pattern (4) of racketeering activity or collection of unlawful debt. 18 U.S.C. § 1962(c). In addition, the conduct must be (5) the proximate cause of harm to the victim... To show the existence of an enterprise under the second element, plaintiffs must plead that the enterprise has (A) a common purpose, (B) a structure or organization, and (C) longevity necessary to accomplish the purpose... Racketeering activity, the fourth element, requires predicate acts, which in this case are alleged to be mail and wire fraud... and contain three elements: (A) the formation of a scheme to defraud, (B) the use of the mails or wires in furtherance of that scheme, and (C) the specific intent to defraud.

Summary

Necessary elements to establish a RICO violation, which includes proving the existence of an enterprise, a pattern of racketeering activity, and specific intent to defraud. These elements are crucial in distinguishing between a criminal enterprise and a personal or domestic dispute. The passage highlights the challenges in proving these elements, especially in cases where the alleged actions may be part of a domestic dispute rather than a criminal enterprise. This supports the proposition that the husband may face

difficulties in proving the intent and connection between the predicate acts and the alleged injury in a RICO claim involving personal disputes.

[Marshall v. Goguen, 604 F.Supp.3d 980 \(D. Mont. 2022\)](#)

U.S. District Court — District of Montana

Extract

To state a substantive RICO claim under § 1962, a plaintiff must allege: (1) that a 'person' within the scope of the statute (2) has utilized a 'pattern of racketeering activity' or the proceeds thereof (3) to infiltrate an interstate 'enterprise' (4) by, inter alia, acquiring or maintaining an interest in the enterprise through the pattern of racketeering activity (§ 1962(b)); conducting the affairs of the enterprise through a pattern of racketeering activity (§ 1962(c)); or conspiring to commit any of the above (§ 1962(d)). ... Racketeering activity, the fourth element of a § 1962(c) claim, requires predicate acts. 18 U.S.C. § 1961(1). A 'pattern' of racketeering activity requires evidence of at least two predicate acts within ten years of one another, id. § 1961(5), which the Supreme Court has interpreted to require a plaintiff to show similarity between both the acts (relationship) and continuing activity (continuity), H.J. Inc., 492 U.S. at 239-41, 109 S.Ct. 2893.

Summary

To establish a RICO claim, a plaintiff must demonstrate a pattern of racketeering activity and a connection to an enterprise. This involves proving predicate acts and a continuity of criminal conduct. In cases involving personal or domestic disputes, such as the one described in the proposition, it can be challenging to establish these elements, as the actions may not clearly fit the definition of a criminal enterprise or pattern of racketeering activity. The passage highlights the complexity and specificity required in proving a RICO claim, which supports the proposition that the husband may face challenges in proving the intent and connection between the acts and the alleged injury.

[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. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim.

Summary

Essential elements required to establish a RICO claim under § 1962(c), emphasizing the need for a structured enterprise, a pattern of racketeering activity, and specific conduct. It highlights the challenges in pleading such claims, particularly the requirement for particularity in fraud allegations. This supports the proposition by illustrating the difficulties the husband may face in proving the existence of a criminal enterprise and a pattern of racketeering activity, especially in a domestic context where such elements may not be readily apparent.

[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.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws... 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... If there is nothing criminal in nature about the complained-of conduct, RICO should not apply. It is an abuse of the RICO statute to attempt to shoehorn ordinary business or contractual disputes into a civil RICO claim. Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

Complexity of RICO claims, emphasizing the need for a clear demonstration of a criminal enterprise and a pattern of racketeering activity. It highlights the difficulty in proving such claims, especially when the conduct in question may not be inherently criminal or when it resembles ordinary disputes. This aligns with the proposition that proving a RICO claim in a domestic dispute context can be challenging due to the need for clear evidence of criminal intent and a pattern of illegal activity.

[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.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws... 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... If there is nothing criminal in nature about the complained-of conduct, RICO should not apply. It is an abuse of the RICO statute to attempt to shoehorn ordinary business or contractual disputes into a civil RICO claim... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

Complexity of RICO claims, emphasizing the need for a clear demonstration of a criminal enterprise and a pattern of racketeering activity. It highlights that RICO claims are not applicable to ordinary disputes and require proof of criminal conduct. This supports the proposition that the husband may face challenges in proving the intent and connection between the wife's and stepfather's actions and the alleged injury, as personal or domestic disputes may not meet the RICO criteria.

[Defending RICO Claims In The Business Context Part II: RICO Claims Must Allege Injury To Business Or Property](#)

Extract

If a plaintiff brings a civil suit alleging a RICO violation, the plaintiff must plausibly allege that his injury animating the RICO claim is associated with his business or property by reason of the defendant's violation of the RICO laws. Absent these allegations, the lawsuit must be dismissed. RICO standing is distinct from the more well-known concept of constitutional standing. For RICO claims, in addition to pleading a sufficiently specific injury, including allegations that the plaintiff has suffered known damages (as opposed to mere speculative or unprovable damages), the plaintiff must allege that he suffered an injury to his business or property that bears some causal relationship to the alleged act or acts that violated RICO.

Summary

RICO claims require a plaintiff to demonstrate a specific injury to business or property that is causally linked to the alleged RICO violation. This requirement can be particularly challenging in cases involving personal or domestic disputes, where the connection between the alleged acts and a

business or property injury may not be clear. The passage highlights the necessity for the plaintiff to provide clear evidence of the injury and its causal relationship to the RICO violation, which aligns with the proposition that the husband may face challenges in proving the intent and connection between the predicate acts and the alleged injury.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses... 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... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary.

Summary

The passage explains the requirements for establishing a RICO claim, including the need to prove a pattern of racketeering activity and the existence of an enterprise. It highlights the complexity of proving a RICO case, especially the necessity of demonstrating "continuity plus relationship" for the pattern element. This supports the proposition that proving a RICO claim in a domestic dispute context can be challenging, as the husband must clearly establish the fraudulent scheme, predicate acts, and resulting injury, which may be difficult if the actions are argued to be part of a domestic dispute rather than a criminal enterprise.

This memo was compiled by Vincent AI based on vLex materials available as of June 06, 2025. [View full answer on vLex](#)