

Question

The mother, with the assistance of her stepfather, engaged in a series of coordinated actions, including deceptive communications, financial transactions, and the use of false statements in legal proceedings, with the goal of removing the husband from the marital home and business. Under 18 U.S.C. § 1962(c), a RICO claim requires: (1) the existence of an enterprise, (2) the defendant's association with the enterprise, (3) the defendant's participation in the conduct of the enterprise's affairs, and (4) a pattern of racketeering activity. The coordinated actions described, including the alleged scheme to deceive the husband, financial transactions across state lines, and the use of false statements in legal proceedings, could potentially constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

Answer (U.S. Federal)

Short response

The coordinated actions of the mother and stepfather could potentially constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose. To establish a successful RICO claim, the plaintiff would need to prove that this enterprise engaged in a pattern of racketeering activity affecting interstate commerce, as defined by [18 U.S.C. § 1962\(c\)](#).

Summary

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides both criminal penalties and civil remedies against individuals who engage in certain patterns of illegal activity in connection with an enterprise. For the mother and stepfather's coordinated actions to constitute a RICO violation under [18 U.S.C. § 1962\(c\)](#), four elements must be established: (1) the existence of an enterprise, (2) the defendants' association with the enterprise, (3) the defendants' participation in the conduct of the enterprise's affairs, and (4) a pattern of racketeering activity. The coordinated actions described—including deceptive communications, financial transactions across state lines, and false statements in legal proceedings—could qualify as an "enterprise" if they demonstrate a structured and ongoing collaboration with a common purpose.

Supreme Court and circuit court precedents have interpreted the concept of "enterprise" broadly to include any group of individuals associated in fact, even without a formal legal structure. To constitute an enterprise, the association must have three key characteristics: (1) a common or shared purpose, (2) some continuity of structure and personnel, and (3) an ascertainable structure distinct from the pattern of racketeering activity itself. If the mother and stepfather's coordinated efforts to remove the

husband from the marital home and business demonstrate these characteristics, their association could qualify as an enterprise under RICO, potentially subjecting them to significant civil liability or criminal penalties if the other elements of a RICO claim are also satisfied.

Background and Relevant Law

Legislation

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) was enacted as Title IX of the Organized Crime Control Act of 1970. Section 1962(c) of RICO provides:

"It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962\(c\)](#)

This provision establishes the core prohibition of RICO that is relevant to the scenario involving the mother and stepfather. To understand what activities are covered by this prohibition, it is necessary to examine how RICO defines its key terms.

RICO defines an "enterprise" as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#) This broad definition encompasses both legitimate business organizations and informal associations formed for illicit purposes.

A "pattern of racketeering activity" is defined as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity." [18 U.S.C. § 1961\(5\)](#)

"Racketeering activity" itself is defined to include numerous state and federal crimes, including:

- Mail fraud (18 U.S.C. § 1341)
- Wire fraud (18 U.S.C. § 1343)
- Financial institution fraud (18 U.S.C. § 1344)
- Obstruction of justice (18 U.S.C. § 1503)
- Witness tampering (18 U.S.C. § 1512)
- Retaliating against witnesses (18 U.S.C. § 1513)

[18 U.S.C. § 1961\(1\)](#)

These statutory definitions provide the framework for determining whether the coordinated actions of the mother and stepfather could constitute a RICO violation.

Case Law

Supreme Court Precedent

The United States Supreme Court has provided significant guidance on interpreting RICO's enterprise requirement. In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Court established that an enterprise under RICO includes not only legitimate businesses but also entirely illicit organizations. The Court held that an "enterprise" is "an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." [Turkette, 452 U.S. at 583](#). The Court emphasized that the enterprise is "separate and apart from the pattern of activity in which it engages" and is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." *Id.*

It should be noted that *Turkette* was abrogated by *United States v. Lane*, 474 U.S. 438 (1986), but the abrogation related to issues of misjoinder under Federal Rule of Criminal Procedure 8, not to *Turkette*'s interpretation of RICO's enterprise requirements, which remains valid precedent.

In [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court further clarified the enterprise requirement, holding that a RICO enterprise need not have a formal hierarchical structure, defined roles for associates, or a name, regular meetings, or established rules. Instead, all that is required is "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." [Boyle, 556 U.S. at 946](#). The Court approved jury instructions stating that an association-in-fact enterprise can be "established by evidence showing an ongoing organization, formal or informal, and by evidence that the people making up the association functioned as a continuing unit." *Id. at 945*

Regarding the pattern requirement, the Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#) held that to prove a pattern of racketeering activity, a plaintiff must show that the predicate acts are related and "either constitute or threaten long-term criminal activity." [H.J. Inc., 492 U.S. at 239](#). The Court explained that RICO was intended to apply broadly, acknowledging "a new situation in which persons engaged in long-term criminal activity often operate wholly within legitimate enterprises." *Id. at 243*

Circuit Court Decisions

Circuit court decisions have further developed the enterprise concept. The Third Circuit in [United States v. Console, 13 F.3d 641 \(3rd Cir. 1993\)](#) outlined the elements required to establish a RICO claim under § 1962(c): "(1) the existence of an enterprise affecting interstate commerce; (2) that the defendant was employed by or associated with the enterprise; (3) that the defendant participated, either directly or indirectly, in the conduct or the

affairs of the enterprise; and (4) that he or she participated through a pattern of racketeering activity." Console, 13 F.3d at 652-653

The Seventh Circuit in [United States v. Brown, 973 F.3d 667 \(7th Cir. 2020\)](#) reiterated the broad definition of an association-in-fact enterprise, stating that it "includes any 'group of persons associated together for a common purpose of engaging in a course of conduct.'" [Brown, 973 F.3d at 682](#) The court emphasized that an association-in-fact under RICO "need not have any structural features beyond 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'" Id.

In [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#), the Third Circuit addressed the continuity requirement for establishing a pattern of racketeering activity. The court stated that continuity can be shown "where it is shown that the predicates are a regular way of conducting defendant's ongoing legitimate business." [Tabas, 47 F.3d at 1295](#) It is worth noting that Tabas was declined to be extended by Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 (3rd Cir. Nov 15, 2017), but this subsequent treatment primarily concerned other aspects of the case and does not undermine Tabas's analysis of the continuity requirement.

The Eleventh Circuit in [U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#) clarified that a RICO enterprise can exist even if not all members participate in or are aware of all activities, stating that "a RICO enterprise exists where a group of persons associates, formally or informally, with the purpose of conducting illegal activity." [Hewes, 729 F.2d at 1311](#)

District Court Decisions

District courts have also contributed to interpreting RICO's enterprise requirement. In [McGillvary v. Scutari, 23-cv-22605-JMY \(D. N.J. Dec 23, 2024\)](#), the court reiterated that an association-in-fact RICO enterprise requires "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." McGillvary, 23-cv-22605-JMY

The District of Minnesota in [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#) specified three requirements to show a RICO enterprise: "(1) a common purpose that animates the individuals associated with it; (2) an ongoing organization with members who function as a continuing unit; and (3) an ascertainable structure distinct from the conduct of a pattern of racketeering." [Schreier, 611 F.Supp.3d at 756](#)

In [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#), the court outlined similar criteria, stating that to establish a RICO enterprise, a plaintiff must prove "(1) there is an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis; (2) that the various associates function as a continuing unit... and (3) that the enterprise is separate and distinct from... the pattern of activity in which it engages." [Prudential, 711 F. Supp. at 1253](#)

Secondary Materials

Secondary sources further clarify RICO's requirements. The article "[Civil Rico: A Tool of Advocacy](#)" emphasizes that a violation of § 1962(c) "requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity" and that each element must be adequately pleaded for a viable claim. [Civil Rico: A Tool of Advocacy](#) (2024)

"RICO: A Primer" notes that racketeering acts "need not be similar or directly related to each other" but must be "related in some way to the affairs of the charged enterprise," such as by furthering the goals of the enterprise or being committed on behalf of the enterprise. RICO: A Primer (2022)

"[Racketeer Influenced and Corrupt Organizations](#)" explains that a RICO enterprise "must have a continuous structure and purpose independent from the racketeering activity in which it engages, and its alleged confederates must work with a common purpose or towards a shared goal." [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#) (2021)

Analysis

Establishing an Enterprise

The first step in determining whether the mother and stepfather's actions could constitute a RICO violation is to assess whether their coordinated efforts qualify as an "enterprise" under [18 U.S.C. § 1962\(c\)](#).

Association-in-Fact Enterprise

Under RICO, an "enterprise" includes any "group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#) The Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) established that an association-in-fact enterprise requires only three features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." [Boyle, 556 U.S. at 946](#)

In the scenario presented, the mother and stepfather engaged in "a series of coordinated actions" including "deceptive communications, financial transactions, and the use of false statements in legal proceedings" with the specific goal of "removing the husband from the marital home and business." This description suggests:

- 1. A Common Purpose:** The goal of removing the husband from the marital home and business provides a clear common purpose, satisfying the first requirement identified in Boyle and reiterated in [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#).

2. **Relationships Among Associates:** The mother and stepfather worked together in a coordinated manner, suggesting the necessary relationship between associates. The Eleventh Circuit in [U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#) clarified that a RICO enterprise can exist even if not all members participate in or are aware of all activities, as long as there is "an association for the purpose of conducting illegal activity." [Hewes, 729 F.2d at 1311](#)
3. **Longevity:** While the scenario doesn't specify the duration of their activities, the description of "a series of coordinated actions" involving multiple types of conduct (communications, financial transactions, legal proceedings) suggests an ongoing course of action rather than a single incident, potentially satisfying the longevity requirement.

Structured Organization

Beyond these basic requirements, courts have examined whether the alleged enterprise has some form of structure. In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Supreme Court stated that an enterprise is proved by "evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." [Turkette, 452 U.S. at 583](#)

The described scenario suggests coordination between the mother and stepfather across different types of activities (communications, financial transactions, legal proceedings), which could indicate an "ongoing organization" where they functioned as a "continuing unit." As noted in [Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#), a RICO enterprise requires "an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis." [Prudential, 711 F. Supp. at 1253](#)

Importantly, [Boyle v. United States, 556 U.S. 938 \(2009\)](#) clarified that a RICO enterprise need not have a formal hierarchical structure, defined roles, a name, regular meetings, or established rules. [Boyle, 556 U.S. at 946](#) This means that the relatively simple structure of two individuals (mother and stepfather) working together could still qualify as an enterprise if they had a mechanism for coordinating their actions toward their common goal.

Distinction from Pattern of Racketeering

A critical requirement for establishing a RICO enterprise is that it must be distinct from the pattern of racketeering activity itself. As stated in [United States v. Turkette, 452 U.S. 576 \(1981\)](#), "the enterprise is not the pattern of racketeering activity; it is an entity separate and apart from the pattern of activity in which it engages." [Turkette, 452 U.S. at 583](#)

In [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#), the court required "an ascertainable structure distinct from the conduct of a pattern of racketeering." [Schreier, 611 F.Supp.3d at 756](#) Similarly, [**RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**](#) (2021) notes that "The RICO enterprise must have a continuous structure

and purpose independent from the racketeering activity in which it engages."

For the mother and stepfather to constitute a RICO enterprise, their association would need to have some existence or structure beyond the specific acts of alleged racketeering. This might be shown if they had an ongoing relationship and coordinated activities that extended beyond the specific deceptive communications, financial transactions, and false statements in legal proceedings that form the basis of the alleged racketeering pattern.

Interstate Commerce Requirement

For a RICO claim under § 1962(c), the enterprise must be "engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962](#)(c) The scenario mentions "financial transactions across state lines," which would likely satisfy this requirement. As noted in "[Civil Rico: A Tool of Advocacy](#)," "RICO requires no more than a slight effect upon interstate commerce." [Civil Rico: A Tool of Advocacy](#) (2024)

Pattern of Racketeering Activity

Establishing the existence of an enterprise is only one element of a RICO claim. The claim also requires proving a "pattern of racketeering activity" connected to that enterprise.

Predicate Acts

The coordinated actions described in the scenario must qualify as "racketeering activity" as defined in [18 U.S.C. § 1961](#)(1) for a RICO claim to proceed. The described actions potentially implicate several predicate acts listed in the statute:

1. **Deceptive Communications:** Could constitute mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343) if they involved use of mail or interstate wires with intent to defraud.
2. **Financial Transactions Across State Lines:** Could implicate wire fraud (18 U.S.C. § 1343) or financial institution fraud (18 U.S.C. § 1344) depending on the nature of the transactions.
3. **False Statements in Legal Proceedings:** Could constitute obstruction of justice (18 U.S.C. § 1503), witness tampering (18 U.S.C. § 1512), or perjury in certain circumstances.

For these acts to constitute a "pattern," there must be at least two acts of racketeering activity within a ten-year period. [18 U.S.C. § 1961](#)(5)

Relationship and Continuity

The Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#) established that a pattern requires "relationship" and "continuity" between the predicate acts. [H.J. Inc., 492 U.S. at 239](#) The acts must be related to each other and "either constitute or threaten long-term criminal activity." Id.

In the described scenario, the various acts appear related as they all served the common goal of "removing the husband from the marital home and business." As for continuity, the Third Circuit in [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#) noted that continuity can be satisfied where "predicates are a regular way of conducting defendant's ongoing legitimate business." [Tabas, 47 F.3d at 1295](#) Although Tabas was declined to be extended by Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 (3rd Cir. Nov 15, 2017), its analysis of continuity remains instructive.

The series of coordinated actions described in the scenario could potentially establish the continuity required for a pattern if they occurred over a sufficient period or threatened ongoing criminal activity.

Defendants' Association with and Participation in the Enterprise

For a RICO claim under § 1962(c), it must be shown that the defendants (here, the mother and stepfather) were "employed by or associated with" the enterprise and that they "conduct[ed] or participate[d], directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity." [18 U.S.C. § 1962\(c\)](#)

In this scenario, both the mother and stepfather would clearly be "associated with" the alleged enterprise as they are its only members. Their active engagement in the coordinated actions described would likely satisfy the requirement that they "participate" in the conduct of the enterprise's affairs.

Exceptions and Caveats

Domestic Relations Exception

Courts have traditionally been reluctant to extend federal jurisdiction to matters involving domestic relations, which are typically governed by state family law. While not explicitly addressed in the provided materials, this doctrine could potentially limit the application of RICO in a case involving disputes between spouses over marital property.

RICO Not Designed for "Ordinary" Business or Family Disputes

Although not expressly stated in the provided materials, courts have sometimes been hesitant to allow RICO claims to transform ordinary commercial or family disputes into federal racketeering cases. This concern arises from RICO's severe penalties, including treble damages and attorney's fees in civil cases.

Proving Criminal Intent

The predicate acts that form the basis of a RICO claim are criminal offenses that typically require proof of specific intent. For example, mail and wire fraud require proof of a "scheme to defraud" and "specific intent to defraud." The materials provided do not detail the specific nature of the "deceptive communications" or "false statements," so the ability to establish the required criminal intent would depend on those facts.

Statute of Limitations

RICO claims are subject to a four-year statute of limitations. The timing of the coordinated actions would be critical in determining whether a RICO claim is time-barred.

Conclusion

Based on the provided legal materials, the coordinated actions of the mother and stepfather described in the scenario could potentially constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose. Supreme Court precedent in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) establishes that an association-in-fact enterprise requires only "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." [Boyle, 556 U.S. at 946](#) The common goal of removing the husband from the marital home and business, coupled with coordinated actions across multiple domains (communications, financial transactions, legal proceedings), could satisfy these requirements.

However, establishing the existence of an enterprise is only one element of a successful RICO claim under [18 U.S.C. § 1962\(c\)](#). The claimant would also need to prove:

1. That the enterprise engaged in or affected interstate commerce (likely satisfied by the "financial transactions across state lines")
2. That the defendants (mother and stepfather) were associated with the enterprise
3. That the defendants participated in the conduct of the enterprise's affairs
4. That they did so through a pattern of racketeering activity

The "deceptive communications," "financial transactions," and "false statements in legal proceedings" would need to qualify as specific predicate acts under [18 U.S.C. § 1961](#)(1), such as mail fraud, wire fraud, or obstruction of justice. Additionally, these acts would need to demonstrate both "relationship" and "continuity" to constitute a pattern as required by [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#).

While the coordinated actions described could potentially form the basis of a RICO claim, the success of such a claim would ultimately depend on the specific facts regarding the nature, extent, and duration of the mother and stepfather's activities, as well as their intent in undertaking those activities. The application of RICO to what appears to be a domestic dispute, rather than traditional organized crime, also raises questions about whether courts would be willing to extend RICO to this context, though the statutory text and case law suggest that RICO's reach is not limited to traditional organized crime scenarios.

Legal Authorities

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

U.S. Supreme Court

Extract

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' § 1962(c). The statute defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' § 1961(4). ... 'Moreover, you may find an enterprise where an association of individuals, without structural hierarchy, forms solely for the purpose of carrying out a pattern of racketeering acts. Such an association of persons may be established by evidence showing an ongoing organization, formal or informal, and ... by evidence that the people making up the association functioned as a continuing unit. Therefore, in order to establish the existence of such an enterprise, the government must prove that: (1) There is an ongoing organization with some sort of framework, formal or informal, for carrying out its objectives; and (2) the various members and associates of the association function as a continuing unit to achieve a common purpose.'

Summary

An enterprise does not need a formal structure but must show an ongoing organization and coordinated actions. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an

"enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[Corley v. Rosewood Care Center, Inc., 142 F.3d 1041, 1998 WL 206367 \(7th Cir. 1998\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

Corley alleges that the foregoing acts violated the following provision of the RICO statute: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. 18 U.S.C. § 1962(c). ... The complaint further alleges that Vander Maten and Hoefling conducted the affairs of the enterprise through the predicate acts of mail fraud detailed above for the purpose of maximizing their income and net worth. According to the complaint, the predicate acts of mail fraud are sufficient to form a pattern of racketeering activity under the statute.

Summary

The court in Corley v. Rosewood Care Center, Inc. addressed the elements required to establish a RICO claim under 18 U.S.C. § 1962(c). The court found that the allegations of mail fraud and other predicate acts were sufficient to form a pattern of racketeering activity. This supports the proposition that coordinated actions, including deceptive communications and financial transactions, could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[P & P MARKETING, INC. v. Ditton, 746 F. Supp. 1354 \(N.D. Ill. 1990\)](#)

U.S. District Court — Northern District of Illinois

Extract

Civil actions for RICO violations are authorized by Section 1964(c) which provides that 'any person injured in his business or property by reason of a violation of Section 1962' may recover treble damages and costs including attorney's fees. 18 USC § 1964(c); H.G. Gallimore, Inc. v. Abdula, 652 F.Supp. 437 (N.D.Ill.1987). Section 1962 sets out the prohibited conduct. 18 USC § 1962(a)-(d); see Id. at 439, 440. Plaintiff has alleged that defendants violated Section 1962(c) which prohibits... Any person employed by or associated with any enterprise, engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or

indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. 18 USC § 1962(c). Regardless of which subsection of Section 1962 defendants are alleged to have violated, five elements are common and necessary to every civil RICO claim. These essential elements are: (1) a 'person'; (2) an 'enterprise' engaged in or affecting interstate commerce; (3) 'racketeering activity' which (4) occurred in a 'pattern' and (5) an injury. Id. at 440; 18 USC § 1962(a)-(d).

Summary

The passage outlines the essential elements required for a civil RICO claim under 18 U.S.C. § 1962(c). It specifies that a RICO claim requires the existence of an enterprise, the defendant's association with the enterprise, participation in the conduct of the enterprise's affairs, and a pattern of racketeering activity. These elements align with the proposition that the coordinated actions described could potentially constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

The Court held that a 'group of persons who had committed a variety of unrelated offenses with no agreement as to any particular crime could be convicted of a RICO offense, because they were associated for the purpose of making money from repeated criminal activity.' Id. at 920-21. Finally, the Cagnina Court implicitly rejected the contention that Turkette's reference to the enterprise as a 'continuing unit' requires participation of all of its members throughout the life of the enterprise. 'Although the evidence did not show that every member of the enterprise participated in or knew about all its activities, such evidence was not necessary to prove the existence of the enterprise.' Id. at 922. Our precedent indicates that a RICO enterprise exists where a group of persons associates, formally or informally, with the purpose of conducting illegal activity.

Summary

A RICO enterprise can exist even if not all members participate in or are aware of all activities, as long as there is an association for the purpose of conducting illegal activity. This supports the proposition that the coordinated actions of the mother and stepfather could constitute a RICO enterprise if they were associated for a common illegal purpose, such as removing the husband from the marital home and business.

[Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#)

U.S. Court of Appeals — Third Circuit

Extract

The RICO statute provides for civil damages for 'any person injured in his business or property by reason of a violation of [18 U.S.C. Sec. 1962].'¹⁸ U.S.C. Sec. 1964(c). A common thread running throughout Sec. 1962 is that an injured party must demonstrate that the defendant was engaged in a 'pattern of racketeering activity.' Section 1962(c) prohibits any person employed by or associated with an enterprise engaged in interstate commerce from conducting or participating in the affairs of the enterprise through 'a pattern of racketeering activity.' ... The continuity requirement is likewise satisfied where it is shown that the predicates are a regular way of conducting defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.'

Summary

The RICO statute requires a demonstration of a "pattern of racketeering activity" and that this pattern can be established through either closed-ended or open-ended continuity. The passage explains that continuity can be shown if the predicate acts are a regular way of conducting the defendant's ongoing legitimate business or participating in an ongoing and legitimate RICO enterprise. This supports the proposition that the coordinated actions described, if they demonstrate a structured and ongoing collaboration with a common purpose, could potentially constitute an "enterprise" under RICO.

[United States v. Console, 13 F.3d 641 \(3rd Cir. 1993\)](#)

U.S. Court of Appeals — Third Circuit

Extract

RICO defines an "enterprise" as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). In United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528-29, 69 L.Ed.2d 246 (1981), the Supreme Court stated that an enterprise "is an entity separate and apart from the pattern of activity in which it engages," and that it is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." ... (1) the existence of an enterprise affecting interstate commerce; (2) that the defendant was employed by or associated with the enterprise; (3) that the defendant participated, either directly or indirectly, in the conduct or the affairs of the enterprise; and (4) that he or she participated through a pattern of racketeering activity.

Summary

Legal definition of a RICO "enterprise" and outlines the elements required to establish a RICO claim under 18 U.S.C. § 1962(c). It emphasizes that an enterprise can be an association in fact, which may include both legal and non-legal entities, and that it must be shown to function as a continuing unit with a common purpose. This supports the proposition by suggesting that the coordinated actions of the mother and stepfather, if structured and ongoing, could meet the definition of an enterprise under RICO.

[U.S. v. Miller, 116 F.3d 641 \(2nd Cir. 1997\)](#)

U.S. Court of Appeals — Second Circuit

Extract

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). ... The terms 'conduct' and 'participate in the conduct' of an enterprise, include the performance of the acts, functions or duties that are necessary or helpful to the operation of the enterprise. A person may participate in the conduct of an enterprise even though he had no part in the management or control of the enterprise and no share in any profits. But the participation must be wilful and knowing.

Summary

RICO liability under 18 U.S.C. § 1962(c) is not limited to those with primary responsibility or upper management. It includes lower-rung participants who are under the direction of upper management, as long as their participation is willful and knowing. This supports the proposition that the coordinated actions by the mother and stepfather could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose, even if they were not in upper management or had no share in profits.

[Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#)

U.S. District Court — Southern District of Iowa

Extract

The Racketeering Influenced and Corrupt Organizations Act renders it unlawful 'for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such

enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). ... A RICO 'enterprise' is the vehicle through which a defendant conducts an unlawful pattern of racketeering activity, ... and is defined as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity,' 18 U.S.C. § 1961(4) ... The 'enterprise' concept is distinct from the underlying 'pattern of racketeering activity': The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as...

Summary

Requirements for establishing a RICO claim, including the existence of an enterprise and a pattern of racketeering activity. This supports the proposition that the coordinated actions described could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. ... The limits of the relationship and continuity concepts that combine to define a RICO pattern, and the precise methods by which relatedness and continuity or its threat may be proved, cannot be fixed in advance with such clarity that it will always be apparent whether in a particular case a 'pattern of racketeering activity' exists. ... Title 18 U.S.C. § 1961(1) (1982 ed., Supp. V), with its very generous definition of 'racketeering activity,' acknowledges the breakdown of the traditional conception of organized crime, and responds to a new situation in which persons engaged in long-term criminal activity often operate wholly within legitimate enterprises.

Summary

The RICO statute is intended to be applied broadly, encompassing a wide range of criminal activities, including those that occur within legitimate enterprises. The requirement for a "pattern of racketeering activity" involves demonstrating both a relationship and continuity among the acts, which can include deceptive communications and financial transactions. The passage supports the proposition by indicating that the coordinated actions described could potentially meet the RICO criteria if they show a structured and ongoing collaboration with a common purpose.

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

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

Extract

RICO broadly defines an 'enterprise' as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). In *United States v. Turkette*, 452 U.S. 576, 580, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), the Supreme Court recognized that '[t]here is no restriction upon the associations embraced by the definition: an enterprise includes any union or group of individuals associated in fact,' including both legitimate ventures and wholly criminal organizations... The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.

Summary

The definition of an "enterprise" under RICO is broad and includes any group of individuals associated in fact, whether legitimate or criminal. The passage emphasizes that an enterprise is distinct from the pattern of racketeering activity and must be shown to have a common purpose and function as a continuing unit. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an "enterprise" if they demonstrate a structured and ongoing collaboration with a common purpose.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

U.S. Supreme Court

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, *inter alia*, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.'

Summary

RICO targets "racketeering activity," which includes acts indictable under federal criminal provisions such as mail and wire fraud. The statute allows for private civil actions to recover damages for injuries caused by violations of section 1962, which prohibits conducting an enterprise through a pattern of racketeering activity. This aligns with the proposition that coordinated actions, including deceptive communications and financial transactions, could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

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

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

Extract

To plead a violation of § 1962(c), a plaintiff must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985) (footnote omitted). 'Racketeering activity' is the commission of specific predicate acts for which a defendant could be convicted, *id.* at 488, and a 'pattern of racketeering activity' requires at least two such acts, 18 U.S.C. § 1961(5). A RICO 'enterprise' is defined as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). Since *Sedima*, this circuit has emphasized its requirement of 'continuity plus relationship' with respect to the RICO enterprise, defining it as a 'group associated 'for a common purpose of engaging in a course of conduct' which 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

Necessary elements to establish a RICO claim under 18 U.S.C. § 1962(c), which includes the existence of an enterprise, the defendant's association with the enterprise, participation in the conduct of the enterprise's affairs, and a pattern of racketeering activity. The passage also emphasizes the need for "continuity plus relationship" in defining a RICO enterprise, which aligns with the proposition's description of coordinated actions with a common purpose.

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

U.S. District Court — District of Minnesota

Extract

To state a RICO claim, a plaintiff must show '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... 'A RICO enterprise 'includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... To show a RICO enterprise, a plaintiff must show: '(1) a common purpose that animates the individuals associated with it; (2) an ongoing organization with members who function as a continuing unit; and (3) an ascertainable structure distinct from the conduct of a pattern of racketeering.'

Summary

Necessary elements to establish a RICO claim, which includes demonstrating the existence of an enterprise, the defendant's association with it, and a pattern of racketeering activity. The description of a RICO enterprise as a group with a common purpose, ongoing organization, and distinct structure aligns with the proposition's description of coordinated actions with a common goal. This supports the idea that the described actions could potentially meet the criteria for a RICO enterprise.

[United States v. Denava](#)

U.S. District Court — Northern District of Illinois

Extract

A RICO conspiracy has three elements: (1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity." United States v. Brown, 973 F.3d 667, 682 (7th Cir. 2020) ... "All that is required is 'evidence of an ongoing organization, formal or informal, and ... evidence that the various associates function as a continuing unit.'

Summary

The elements of a RICO conspiracy include an agreement to participate in the affairs of an enterprise through a pattern of racketeering activity. The passage also emphasizes that the definition of an enterprise is broad and can include both formal and informal organizations that function as a continuing unit. This supports the proposition that the coordinated actions described could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[Prudential Ins. Co. of America v. US Gypsum, 711 F. Supp. 1244 \(D. N.J. 1989\)](#)

U.S. District Court — District of New Jersey

Extract

To establish the existence of a RICO enterprise, plaintiff must prove (1) there is an ongoing organization, which has a structure or framework for making decisions and a mechanism to control the affairs of the group on an ongoing basis; (2) that the various associates function as a continuing unit, that is that each individual component perform a role consistent within the organized structure, which furthers the activities of the organization; and (3) that the enterprise is separate and distinct from but not necessarily wholly unrelated to, the pattern of activity in which it engages, but has an existence beyond that which is necessary to merely commit each of the acts charged as predicate offenses.

Summary

Criteria for establishing a RICO enterprise, which includes having an ongoing organization with a decision-making structure, associates functioning as a continuing unit, and an enterprise that is distinct from the pattern of racketeering activity. This supports the proposition that the coordinated actions described could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

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

U.S. District Court — District of New Jersey

Extract

To establish a federal RICO claim under Section 1962(c), a plaintiff must plausibly allege: "(1) conduct; (2) of an enterprise; (3) through a pattern; (4) of racketeering activity." ... An "enterprise" as defined by statute includes: "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). Thus, an "association-in-fact" RICO enterprise requires three features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." Boyle v. United States, 556 U.S. 938, 946 (2009) ... The pattern element requires a showing of criminal conduct characterized by "continuity plus relationship." Sedima, S.P.R.L., 473 U.S. at 496 n.14.

Summary

Elements required to establish a RICO claim under 18 U.S.C. § 1962(c), which includes the existence of an enterprise, the defendant's association with the enterprise, participation in the conduct of the enterprise's affairs,

and a pattern of racketeering activity. The definition of an "enterprise" includes any group of individuals associated in fact, which aligns with the proposition's description of coordinated actions by the mother and stepfather. The requirement of a "pattern" of racketeering activity, characterized by continuity and relationship, supports the idea of ongoing collaboration with a common purpose.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#)

U.S. Supreme Court

Extract

With respect to § 1962(c), an 'enterprise' is not a 'pattern of racketeering activity' but is an entity separate and apart from the pattern of activity in which it engages. In order to secure a conviction, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.' ... The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute.

Summary

An "enterprise" under RICO is distinct from the pattern of racketeering activity and must be proven as a separate entity. This entity can be a group of individuals associated for a common purpose, which aligns with the proposition that the mother and stepfather's coordinated actions could form such an enterprise. The passage supports the idea that if their actions demonstrate a structured and ongoing collaboration with a common purpose, they could potentially be considered an "enterprise" under RICO.

[HG Gallimore, Inc. v. Abdula, 652 F. Supp. 437 \(N.D. Ill. 1987\)](#)

U.S. District Court — Northern District of Illinois

Extract

Allegations of an 'enterprise engaged in, or the activities of which affect, interstate or foreign commerce' are also essential to state a civil RICO claim. The term 'enterprise' includes any individual partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity. 18 U.S.C. § 1961(4). In United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 2528, 69 L.Ed.2d 246 (1981), the Supreme Court explained that the enterprise is an entity, for present purposes a group of persons associated for a common purpose of engaging in a course of conduct.... It is proved by evidence of an ongoing

organization, formal or informal, and by evidence that the various associates function as a continuing unit.... The 'enterprise' is not the 'pattern of racketeering activity'; it...

Summary

For a RICO claim, it is essential to establish the existence of an "enterprise" that is engaged in or affects interstate or foreign commerce. The definition of an "enterprise" includes any group of individuals associated in fact, even if not a legal entity, and must demonstrate a common purpose, continuity of structure, and function as a continuing unit. This aligns with the proposition that the coordinated actions of the mother and stepfather could constitute an "enterprise" if they demonstrate these characteristics.

[United States v. Brown, 973 F.3d 667 \(7th Cir. 2020\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

Under the RICO statute, an 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). An association-in-fact includes any 'group of persons associated together for a common purpose of engaging in a course of conduct.' Boyle v. United States, 556 U.S. 938, 946, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). The Supreme Court reads this definition broadly. An association-in-fact under RICO need not have any structural features beyond 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id.

Summary

The definition of an "enterprise" under RICO is broad and includes any group of individuals associated for a common purpose. The passage from "United States v. Brown" supports the proposition by explaining that an "enterprise" under RICO can be an association-in-fact, which does not require formal structural features but must have a purpose, relationships among those involved, and sufficient longevity to pursue the enterprise's purpose. This aligns with the proposition that the coordinated actions of the mother and stepfather could constitute an "enterprise" if they demonstrate a structured and ongoing collaboration with a common purpose.

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

Extract

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

Summary

18 U.S.C. § 1962(c) makes it unlawful for any person associated with an enterprise affecting interstate commerce to participate in the conduct of the enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition that the coordinated actions described, if they demonstrate a structured and ongoing collaboration with a common purpose, could potentially constitute an "enterprise" under RICO.

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

Extract

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), ... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ... '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; 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Summary

The passage defines "racketeering activity" to include acts such as mail fraud, wire fraud, and obstruction of justice, which are relevant to the proposition's description of deceptive communications and false statements in legal proceedings. It also defines "enterprise" broadly to include any group of individuals associated in fact, which could encompass the

coordinated actions of the mother and stepfather. The requirement of a "pattern of racketeering activity" aligns with the proposition's description of ongoing and structured actions with a common purpose.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

offer to establish the existence of a RICO enterprise. Although the circuits have not adopted a uniform definition of enterprise, they do require that the charged RICO enterprise, in order to distinguish it from a conspiracy, have some structure.(111) A more specific definition requires that a RICO enterprise exhibit three characteristics: '(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.'(112)

Summary

Requirements for establishing a RICO enterprise, which include a common or shared purpose, continuity of structure and personnel, and an ascertainable structure distinct from the pattern of racketeering. These elements are relevant to the proposition as they provide a framework for arguing that the coordinated actions of the mother and stepfather could constitute a RICO enterprise if they meet these criteria.

[Racketeer Influenced and Corrupt Organizations Act.](#)

American Criminal Law Review - Georgetown University Law Center - Bailey, Lisa Pritchard - 1999-06-22

Extract

A recurring issue is the type and sufficiency of proof the government must offer to establish the existence of a RICO enterprise. Although the circuits have not adopted a uniform definition of enterprise, they do require that the charged RICO enterprise, in order to distinguish it from a conspiracy, have some structure. A more specific definition requires that a RICO enterprise exhibit three characteristics: '(1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that inherent in a pattern of racketeering.'

Summary

Requirements for establishing a RICO enterprise, which include a common purpose, continuity of structure and personnel, and an ascertainable

structure distinct from the racketeering pattern. These elements are directly relevant to the proposition, as they provide a framework for arguing that the coordinated actions of the mother and stepfather could constitute a RICO enterprise if they meet these criteria.

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

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

Extract

The Court rejected the defendant's argument 'that RICO was intended solely to protect legitimate business enterprises from infiltration by racketeers and that RICO does not make criminal the participation in an association which performs only illegal acts and which has not infiltrated or attempted to infiltrate a legitimate enterprise.' Instead, the Court interpreted the term 'enterprise' broadly. The Court reasoned that, if Congress had intended enterprise to include only legitimate enterprises, it 'could easily have ... insert[ed] a single word, "legitimate."'

Summary

The interpretation of "enterprise" under RICO is broad and not limited to legitimate businesses. This supports the proposition that the coordinated actions described could constitute an "enterprise" under RICO, as the statute does not require the enterprise to be legitimate or economically motivated.

[Could you use that in a sentence, please? The intersection of prosecutorial ethics, relevant conduct sentencing, and criminal RICO indictments.](#)

Notre Dame Law Review - University of Notre Dame Law School - McClintock, William S. - 2013-12-01

Extract

The definition of 'enterprise' has a complicated judicial history. The unadorned statutory text defines 'enterprise' as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' (95) In United States v. Turkette, (96) the Court confronted the enterprise concept and held that an enterprise included both legitimate, legally constituted entities, as well as criminal groups that are not legally structured, but are nevertheless associations-in-fact. (97) ... The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct.

Summary

The definition of "enterprise" under RICO includes both legitimate entities and criminal groups that are associations-in-fact. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an "enterprise" if they demonstrate a structured and ongoing collaboration with a common purpose, such as removing the husband from the marital home and business.

[What can RICO not do? RICO and the non-economic intrastate enterprise that perpetrates only non-economic racketeering activity.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Nisbet, Brian - 2009-03-22

Extract

Section 1962(c) of RICO states: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. (28) To successfully prosecute a RICO charge, the Government must prove beyond a reasonable doubt that: '(1) an enterprise existed; (2) the enterprise participated in or its activities affected interstate commerce; (3) the defendant was employed by or was associated with the enterprise; (4) the defendant conducted or participated in the conduct of the enterprise; (5) through a pattern of racketeering activity.' (29)

Summary

Section 1962(c) of RICO requires proving the existence of an enterprise, its effect on interstate commerce, the defendant's association with the enterprise, and participation in a pattern of racketeering activity. The passage supports the proposition by explaining that a RICO enterprise can be any group of individuals associated in fact, which aligns with the described coordinated actions of the mother and stepfather. The broad terms of RICO allow for flexibility in recognizing such enterprises, which could include the alleged scheme to deceive the husband and conduct financial transactions.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

ICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, its groups must have a common or shared purpose, and there must be at least some continuity of structure or personnel. To constitute an enterprise, a group must have an ongoing mechanism for directing the affairs of the group on an ongoing, rather than an ad hoc, basis. (70) Federal courts have a tremendous amount of discretion in developing the enterprise prong, and they have recognized a number of enterprise categories not mentioned in the statute. (71) As a result, circuit court approaches vary as to which types of enterprises are encompassed by the statute, how the existence of a RICO enterprise may be established, and whether the 'person' charged with a RICO violation and the alleged 'enterprise' must be separate and distinct entities.

Summary

For RICO purposes, an enterprise must have a common purpose and continuity of structure or personnel. The passage also highlights the discretion federal courts have in interpreting what constitutes an enterprise, which can include various categories not explicitly mentioned in the statute. This supports the proposition that the coordinated actions described could potentially constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

Racketeer Influenced and Corrupt Organizations

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

Extract

Section 1962(c), the most commonly used RICO provision, prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or affairs of that enterprise through a pattern of racketeering activity... A relationship, or nexus, between the pattern of racketeering activity and the enterprise is required... [T]he 'enterprise' in [§ 1962(c)] connotes generally the vehicle through which the unlawful pattern of racketeering activity is committed, rather than the victim of that activity. Subsection (c) makes it unlawful for 'any person employed by or associated with any enterprise . . . to conduct or participate . . . in the conduct of such enterprise's affairs through a pattern of racketeering activity' Consequently, since the enterprise in subsection (c) is not being acquired, it need not have a property interest that can be acquired nor an economic motive for engaging in illegal activity; it need only be an association in fact that engages in a pattern of racketeering activity.

Summary

The enterprise does not need to have a property interest or economic motive, but must be an association in fact that engages in racketeering activities. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an enterprise under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Bourgeois, Richard L., Jr. - 2000-03-22

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' It is unimportant whether the defendant promotes or hinders the operation of the enterprise. The basic hallmark of an enterprise for RICO purposes is that it must contain some structure distinct from the pattern of racketeering activity that is identified in the charge, its groups must have a common or shared purpose, and there must be at least some continuity of structure or personnel.

Summary

For a RICO claim, an "enterprise" can be any group of individuals associated in fact, even if not a legal entity. The enterprise must have a structure distinct from the racketeering activity, a common purpose, and continuity of structure or personnel. This supports the proposition that the coordinated actions by the mother and stepfather could constitute an "enterprise" under RICO if they demonstrate these characteristics.

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact.' A RICO defendant may also be an individual who is not formally employed by the enterprise, but still assists the enterprise in its racketeering activities. The RICO enterprise must have a continuous structure and purpose independent from the racketeering activity in which it engages, and its alleged confederates must work with a common purpose or

towards a shared goal. The RICO enterprise must also have a mechanism for directing its affairs on an ongoing, rather than ad hoc, basis.

Summary

Definition of an "enterprise" under RICO, which includes any group of individuals associated in fact. It also clarifies that a RICO enterprise must have a continuous structure and purpose independent from the racketeering activity, and its members must work towards a common goal. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an enterprise if they demonstrate a structured and ongoing collaboration with a common purpose.

[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

The concept of the 'enterprise' was selected by Congress when it enacted RICO because it desired to use 'terms and concepts of breadth.' Indeed, the statute itself broadly describes 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Thus, any legal entity may be an enterprise, and any group of persons--in any combination of natural and legal persons--may also constitute an enterprise, even though it is not a legal entity, by being an association-in-fact.

Summary

The definition of "enterprise" under RICO is intentionally broad, encompassing both legal entities and associations-in-fact. This supports the proposition that the coordinated actions of the mother and stepfather could constitute an "enterprise" under RICO if they demonstrate a structured and ongoing collaboration with a common purpose.

[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. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce.

Summary

Essential elements required to establish a RICO claim under § 1962(c), which include conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for particularity in pleading fraud-related claims and highlights the requirement that the enterprise's activities affect interstate commerce. This directly supports the proposition by providing a legal framework for understanding how the described actions could constitute a RICO violation if they meet these criteria.

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

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

Extract

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

Summary

A RICO conspiracy requires an agreement to violate RICO's provisions, knowing engagement in the scheme, and the involvement of two or more predicate acts of racketeering. The proposition involves coordinated actions that could be seen as a racketeering scheme, with the mother and stepfather potentially forming an agreement to engage in such activities. The passage supports the idea that if these actions are structured and ongoing with a common purpose, they could constitute an "enterprise" under RICO.

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

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

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

The passage provides a detailed explanation of what constitutes a "pattern of racketeering activity" under RICO. It highlights the need for criminal acts to have similar purposes, results, participants, or methods, and emphasizes the importance of a "relationship" and "continuity" element. This aligns with the proposition that the coordinated actions of the mother and stepfather could form a RICO enterprise if they demonstrate a structured and ongoing collaboration with a common purpose.

[RICO: A Primer](#)

Extract

A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission.

Summary

The racketeering acts do not need to be similar but must relate to the enterprise's affairs, which aligns with the proposition's description of coordinated actions, including deceptive communications and financial transactions, as potentially constituting an enterprise if they demonstrate a structured and ongoing collaboration with a common purpose.

[RICO: A Primer](#)

Extract

A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission.

Summary

The racketeering acts need not be similar but must be related to the enterprise's affairs, which aligns with the proposition's description of coordinated actions with a common purpose. This supports the idea that the described actions could constitute an "enterprise" under RICO if they demonstrate structured collaboration.

[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. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering;

Summary

RICO claims require the existence of an "enterprise" and a "pattern of racketeering activity." The passage explains that an enterprise can be a group of individuals associated in fact, which aligns with the proposition that the mother and stepfather's coordinated actions could constitute such an enterprise. Additionally, the passage highlights that Section 1962(c) is

commonly asserted in RICO claims, which is relevant to the proposition's focus on this section.

[Defending RICO Claims In The Business Context Part III](#)

Extract

Knowingly receive or derive proceeds from a pattern of racketeering activity or through the collection of an unlawful debt; Knowingly acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through a pattern of racketeering activity or through collection of an unlawful debt; Knowingly conduct or participate, directly or indirectly, in any enterprise through a pattern of racketeering activity or the collection of an unlawful debt; or Conspire or endeavor to violate any of these racketeering provisions.

Summary

The passage outlines the elements necessary for a RICO claim, including the participation in an enterprise through a pattern of racketeering activity. This directly relates to the proposition, as it suggests that the coordinated actions of the mother and stepfather, if they involve racketeering activities such as deceptive communications and financial transactions, could meet the criteria for a RICO claim.

[Yegiazaryan v. Smagin : RICO Becomes A Tool For Foreign Plaintiffs To Collect On Arbitration Awards In The U.S.](#)

Extract

Under RICO, racketeering activity is defined broadly and includes, among other things, money laundering, bribery, and a series of fraudulent activities. RICO makes it unlawful for any person: * To engage, directly or indirectly, with income derived from racketeering activity and use the illegal income to invest or acquire an interest in an enterprise which is engaged in or impacts interstate or foreign commerce. * To acquire or maintain, directly or indirectly, any interest in or control of an enterprise engaged in or affecting interstate or foreign commerce through racketeering activity. * Employed by or associated with any enterprise engaged in or affecting interstate or foreign commerce to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through racketeering activity. * To conspire to violate these provisions.

Summary

RICO defines racketeering activity broadly, including fraudulent activities, and outlines unlawful acts such as engaging with income derived from racketeering, acquiring or maintaining interest in an enterprise through

racketeering, and participating in an enterprise's affairs through racketeering. These elements align with the proposition's description of coordinated actions involving deception, financial transactions, and false statements, potentially constituting an "enterprise" under RICO.

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