

Question

The complaint alleges an association-in-fact enterprise among Myers, Branthoover, and Wilson, with a common purpose to dispossess Plaintiff and gain advantage in divorce. It describes a pattern of racketeering activity: drafting and filing false legal documents, serving fraudulent eviction notices, and using mail and wire communications, all occurring over an 18-month period. The complaint specifies the timing, participants, and methods of each act, and documents ongoing threats and coordination. To state a RICO claim, the complaint must plausibly allege the existence of an enterprise, a pattern of racketeering activity (at least two related predicate acts within ten years), and that the acts are related and continuous, satisfying both the relationship and continuity requirements under H.J. Inc. v. Northwestern Bell and Rule 8(a). The complaint's factual allegations of a structured, ongoing scheme, with specific acts by each defendant over a substantial period, sufficiently plead the existence of an enterprise and a pattern of racketeering activity.

Answer (U.S. Federal)

Short response

Based on the applicable RICO statutes and case law, the complaint sufficiently pleads a civil RICO claim by alleging an association-in-fact enterprise among Myers, Branthoover, and Wilson with a common purpose, and a pattern of racketeering activity consisting of related and continuous predicate acts occurring over an 18-month period. The complaint's detailed allegations regarding the timing, participants, and methods of multiple predicate acts, including mail and wire fraud, satisfy the "continuity plus relationship" test established in H.J. Inc. v. Northwestern Bell.

Summary

The complaint alleges facts that establish the essential elements of a civil RICO claim under [18 U.S.C. § 1962](#). It describes an association-in-fact enterprise consisting of Myers, Branthoover, and Wilson who shared the common purpose of dispossessing the Plaintiff and gaining advantage in divorce proceedings. The enterprise allegedly engaged in a pattern of racketeering activity including drafting and filing false legal documents, serving fraudulent eviction notices, and using mail and wire communications to further their scheme, all occurring over an 18-month period. These allegations satisfy the statutory requirements for an enterprise under [18 U.S.C. § 1961](#)(4) and a pattern of racketeering activity under [18 U.S.C. § 1961](#)(5).

The complaint also meets the requirements established by the Supreme Court in H.J. Inc. v. Northwestern Bell by demonstrating both the "relationship" and "continuity" aspects of a pattern of racketeering activity.

By specifying the timing, participants, and methods of each alleged act, and documenting ongoing threats and coordination among the defendants, the complaint plausibly alleges that the predicate acts were related and amounted to continuous criminal activity over a substantial period. The level of detail provided in the complaint, including the specific roles played by each defendant and the timeline of events, satisfies the pleading standards under Rule 8(a) and establishes a plausible claim for RICO violations.

Background and Relevant Law

Statutory Framework

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides a civil cause of action for violations of [18 U.S.C. § 1962](#), which prohibits various activities involving an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity. The relevant statutory provisions define the key elements necessary for establishing a civil RICO claim.

Under [18 U.S.C. § 1961](#)(4), an "enterprise" is defined broadly to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961](#) (2025). This definition encompasses both formal legal entities and informal associations-in-fact, such as the alleged association among Myers, Branthover, and Wilson.

The statute defines a "pattern of racketeering activity" as "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](#) (2025). "Racketeering activity" includes numerous predicate offenses, including mail fraud under 18 U.S.C. § 1341 and wire fraud under 18 U.S.C. § 1343, which are specifically referenced in the complaint.

The substantive prohibition relevant to this case is found in [18 U.S.C. § 1962](#), which makes it "unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962](#) (2025).

Judicial Interpretation of RICO Elements

Enterprise Requirement

The Supreme Court has provided significant guidance on what constitutes an "enterprise" for RICO purposes. In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Court explained 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." The Court further clarified 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." This case was partially abrogated by *United States v. Lane*, 474 U.S. 438 (1986), but the abrogation pertained to issues of misjoinder rather than the definition of "enterprise."

In [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court further refined the understanding of an association-in-fact enterprise, holding that such an enterprise must have a "structure" but that no particular organizational formality is required. The Court stated that an association-in-fact enterprise must have at least three structural features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose."

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

Similarly, in [Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990 \(9th Cir. 2014\)](#), the Ninth Circuit stated that to establish 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."

Pattern of Racketeering Activity

The Supreme Court has devoted considerable attention to defining what constitutes a "pattern of racketeering activity." In [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#), the Court held that "to prove a pattern of racketeering activity a plaintiff or prosecutor must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity." This has become known as the "continuity plus relationship" test.

The Court explained that predicate acts are "related" if they "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 "continuity" requirement can be satisfied by showing either a closed-ended pattern (a series of related predicate acts extending over a substantial period of time) or an open-ended pattern (past conduct that by its nature projects into the future with a threat of repetition).

Lower courts have applied this framework consistently. In [Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#), the court reiterated that to satisfy RICO's pattern requirement, "a plaintiff must plead facts showing that racketeering acts are 'related, and that they amount to or pose a threat of continued criminal activity.'"

In [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union](#), 509 F.Supp.3d 560 (E.D. Va. 2020), the court noted that "In essence, the pattern requirement has been reduced to a 'continuity plus relationship' test." The court explained that continuity can be demonstrated by showing either "open-ended continuity, in which there is an ongoing threat of racketeering activity beyond the predicate act, or closed-ended continuity, where the racketeering occurred over a substantial period of time." [Ellis v. Warner](#), [CASE NO. 15-10134-CIV-GOODMAN \(S.D. Fla. Feb 16, 2017\)](#).

Pleading Requirements for Civil RICO Claims

To successfully plead a civil RICO claim, a plaintiff must allege specific elements. As stated in [Layani v. Ouazana, Civil Action No. ELH-20-420 \(D. Md. Mar 03, 2021\)](#), "To plead a civil RICO claim, the plaintiff must allege '1) conduct [causing injury to business or property] 2) of an enterprise 3) through a pattern 4) of racketeering activity.'"

These elements must be pleaded with sufficient specificity to satisfy the relevant pleading standards. For RICO claims based on mail or wire fraud, allegations must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. [Civil Rico: A Tool of Advocacy](#) (2024).

However, even under the heightened pleading standards of Rule 9(b), the complaint need only provide enough detail to give the defendants fair notice of the claims and the grounds upon which they rest. The complaint must demonstrate "conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [Nutrition Distribution LLC v. Custom Nutraceuticals LLC](#), 194 F.Supp.3d 952 (D. Ariz. 2016).

Analysis

The Complaint Adequately Alleges an Association-in-Fact Enterprise

Based on the relevant legal standards, the complaint's allegations regarding an association-in-fact enterprise among Myers, Branthover, and Wilson appear sufficient to satisfy the RICO enterprise requirement.

First, the complaint alleges that the three defendants associated together with a common purpose: to dispossess the Plaintiff and gain advantage in divorce proceedings. This satisfies the requirement articulated in [Boyle v. United States](#), 556 U.S. 938 (2009) that an association-in-fact enterprise have "a purpose."

Second, the complaint describes relationships among the defendants, detailing their coordination and mutual involvement in the alleged scheme. This satisfies Boyle's requirement of "relationships among those associated with the enterprise."

Third, the complaint alleges that the defendants' activities occurred over an 18-month period, which demonstrates the "longevity sufficient to permit these associates to pursue the enterprise's purpose" as required by [Boyle v. United States, 556 U.S. 938 \(2009\)](#).

The complaint's allegations appear to establish the "continuity, unity, shared purpose and identifiable structure" that characterize a RICO enterprise under [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#). By specifying the roles of each defendant in the alleged scheme and documenting their ongoing coordination, the complaint plausibly alleges "an ongoing organization" with "associates functioning as a continuing unit."

According to [Eclectic Props. E., LLC v. Marcus & Millichap Co., 751 F.3d 990 \(9th Cir. 2014\)](#), an enterprise must have "a common purpose, a structure or organization, and longevity necessary to accomplish the purpose." The complaint's allegations of a structured, ongoing scheme with a specific goal appear to satisfy these criteria.

Furthermore, the complaint's detailed description of the defendants' coordinated activities suggests an organizational structure that goes beyond the mere pattern of racketeering activity, as required by [Reynolds v. Condon, 908 F. Supp. 1494 \(N.D. W.Va. 1996\)](#), which noted that a RICO enterprise must have a "structure distinct from that inherent in a pattern of racketeering activity."

The Complaint Adequately Alleges a Pattern of Racketeering Activity

The complaint's allegations regarding the defendants' activities also appear sufficient to establish a pattern of racketeering activity under RICO.

First, the complaint identifies multiple predicate acts that constitute "racketeering activity" under [18 U.S.C. § 1961\(1\)](#), including mail fraud and wire fraud. As noted in [Layani v. Ouazana, Civil Action No. ELH-20-420 \(D. Md. Mar 03, 2021\)](#), "A 'pattern of racketeering activity' requires 'at least two acts of racketeering activity...the last of which occurred within ten years...after the commission of a prior act of racketeering activity.'" The complaint alleges multiple acts of drafting and filing false legal documents, serving fraudulent eviction notices, and using mail and wire communications, all occurring over an 18-month period. This satisfies the statutory requirement of at least two predicate acts within ten years.

Second, the complaint's allegations satisfy the "relationship" prong of the "continuity plus relationship" test established in [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#). The alleged acts have the same purpose (to dispossess the Plaintiff and gain advantage in divorce proceedings), involve the same participants (Myers, Branthover, and Wilson), target the same victim (the Plaintiff), and employ similar methods (fraud and misrepresentation through legal and quasi-legal processes). As explained in [Gunderson v. Adm Investor Services, Inc., 85 F.Supp.2d 892 \(N.D. Iowa 2000\)](#), predicate acts are "related" if they "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."

Third, the complaint's allegations satisfy the "continuity" prong of the test. The complaint describes a closed-ended pattern of racketeering activity occurring over an 18-month period. As noted in [Terry A. Lambert Plumbing, Inc. v. Western Sec. Bank, 934 F.2d 976 \(8th Cir. 1991\)](#), "A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time." Eighteen months likely constitutes a "substantial period of time" under the relevant case law.

In [HJ INC. v. Northwestern Bell Telephone Co., 653 F. Supp. 908 \(D. Minn. 1987\)](#), the court noted that "One indicium of 'continuity' is the duration of the alleged criminal activity. To the extent plaintiff alleges criminal activity which is ongoing over an identified period of time, the possibilities are enhanced that defendants are indeed engaged in traditional mobster activity or comparable ongoing structured criminal enterprises." The complaint's allegations of multiple predicate acts over an 18-month period support a finding of continuity.

Moreover, the complaint's allegations of "ongoing threats and coordination" suggest an open-ended continuity as well, indicating that the defendants' racketeering activities pose a threat of continued criminal conduct beyond the period described in the complaint. As explained in [Ellis v. Warner, CASE NO. 15-10134-CIV-GOODMAN \(S.D. Fla. Feb 16, 2017\)](#), open-ended continuity exists when "there is an ongoing threat of racketeering activity beyond the predicate act."

The Complaint Satisfies Pleading Standards

The complaint's detailed allegations regarding the timing, participants, and methods of each act appear to satisfy the applicable pleading standards for a civil RICO claim.

As noted in [Civil Rico: A Tool of Advocacy](#) (2024), "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 complaint meets this standard by specifying the timing, participants, and methods of each alleged fraudulent act.

The complaint's specificity regarding the roles played by each defendant in the alleged scheme also satisfies the requirement articulated in [Decatur Ventures, LLC v. Stapleton Ventures, Inc., 373 F.Supp.2d 829 \(S.D. Ind. 2005\)](#), that a civil RICO plaintiff must allege "the identity of the person who made the misrepresentation, the time, place and content of the misrepresentation, and the method by which the misrepresentation was communicated to the plaintiff."

By documenting the specific acts allegedly committed by each defendant over a substantial period, the complaint provides sufficient detail to give the

defendants fair notice of the claims against them and to make those claims plausible on their face, as required by Rule 8(a).

Applying the Law to the Complaint's Allegations

The complaint alleges facts that establish each of the essential elements of a civil RICO claim under [18 U.S.C. § 1962](#):

1. **Enterprise:** The complaint alleges an association-in-fact enterprise among Myers, Branthoover, and Wilson, with a common purpose to dispossess the Plaintiff and gain advantage in divorce proceedings. This satisfies the statutory definition of "enterprise" under [18 U.S.C. § 1961\(4\)](#) and the requirements established in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) and [United States v. Turkette, 452 U.S. 576 \(1981\)](#).
2. **Pattern of Racketeering Activity:** The complaint alleges multiple predicate acts of mail and wire fraud, including drafting and filing false legal documents, serving fraudulent eviction notices, and using mail and wire communications to further the scheme. These acts occurred over an 18-month period and involved the same participants, victim, and purpose, thus satisfying the "continuity plus relationship" test established in [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#).
3. **Conduct of the Enterprise through the Pattern of Racketeering Activity:** The complaint alleges that the defendants conducted the affairs of their association-in-fact enterprise through the alleged pattern of racketeering activity, using mail and wire fraud to achieve their common purpose of dispossessing the Plaintiff and gaining advantage in divorce proceedings.

The complaint's specific allegations regarding the timing, participants, and methods of each alleged act provide sufficient detail to satisfy the pleading standards applicable to civil RICO claims, including the heightened pleading standard for allegations of fraud under Rule 9(b).

Potential Challenges and Limitations

While the complaint appears to state a plausible RICO claim, there are potential challenges and limitations that could affect its ultimate success:

1. **Enterprise Structure:** The defendants could argue that the alleged association-in-fact lacks sufficient structure to constitute an enterprise distinct from the pattern of racketeering activity itself. As noted in [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#), a RICO enterprise must be "an entity 'separate and apart from the pattern of activity in which it engages.'" However, the complaint's allegations of ongoing coordination and specific roles for each defendant likely provide sufficient structure to withstand this challenge.

2. **Continuity:** The defendants could argue that an 18-month period is not sufficiently "substantial" to establish closed-ended continuity. However, courts have generally found periods of similar length to be adequate. In RICO: A Primer (2022), it is noted that 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.
3. **Specificity of Allegations:** The defendants could challenge the specificity of the allegations regarding mail and wire fraud under the heightened pleading standard of Rule 9(b). However, the complaint's detailed allegations regarding the timing, participants, and methods of each alleged fraudulent act likely satisfy this standard.
4. **Interstate Commerce:** The complaint must allege that the enterprise's activities affected interstate commerce, a requirement under [18 U.S.C. § 1962](#). This element is not specifically mentioned in the summary provided, but it is a necessary component of a RICO claim.

Conclusion

Based on the relevant statutory provisions and case law, the complaint appears to state a plausible civil RICO claim against Myers, Branthoover, and Wilson. The complaint alleges facts that establish each of the essential elements of such a claim: (1) an association-in-fact enterprise, (2) a pattern of racketeering activity consisting of related and continuous predicate acts, and (3) the conduct of the enterprise through that pattern of racketeering activity.

The complaint's detailed allegations regarding the timing, participants, and methods of each alleged act provide sufficient specificity to satisfy the pleading standards applicable to civil RICO claims, including the heightened pleading standard for allegations of fraud under Rule 9(b). The complaint's allegations of a structured, ongoing scheme, with specific acts by each defendant over a substantial period, sufficiently plead the existence of an enterprise and a pattern of racketeering activity.

While there are potential challenges and limitations to the complaint's RICO claims, the allegations as described appear sufficient to withstand a motion to dismiss and proceed to discovery. The ultimate success of the RICO claims will depend on the plaintiff's ability to prove these allegations with admissible evidence, but at the pleading stage, the complaint appears to state a plausible claim for relief under RICO.

Legal Authorities

[HJ INC. v. Northwestern Bell Telephone Co., 653 F. Supp. 908 \(D. Minn. 1987\)](#)

U.S. District Court — District of Minnesota

Extract

A. Pattern of Racketeering... It has been stated that to be related, the predicate acts of a RICO claim must involve common perpetrators, common methods of commission, common victims, and a common motive or purpose... In this case, it is clear that plaintiffs have alleged a 'relationship' among and between the predicate acts of racketeering enumerated in their amended complaint. Plaintiffs have identified common perpetrators... and a common motive or purpose... In this case, as in most reported RICO decisions, plaintiffs have little difficulty surmounting the 'relationship' barrier... (1) Duration — One indicium of 'continuity' is the duration of the alleged criminal activity. To the extent plaintiff alleges criminal activity which is ongoing over an identified period of time, the possibilities are enhanced that defendants are indeed engaged in traditional mobster activity or comparable ongoing structured criminal enterprises.

Summary

Requirements for establishing a pattern of racketeering activity under RICO, specifically focusing on the relationship and continuity requirements. It explains that predicate acts must involve common perpetrators, methods, victims, and motives, which aligns with the proposition's description of an association-in-fact enterprise with a common purpose. Additionally, the passage highlights the importance of the duration of criminal activity in establishing continuity, which supports the proposition's claim of an 18-month period of racketeering activity.

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

U.S. District Court — Northern District of Illinois

Extract

Defendants contend plaintiff failed to adequately allege a pattern of racketeering activity. As a necessary element of any civil RICO claim, a plaintiff must allege a 'pattern of racketeering activity'. See 18 USC § 1962(a)-(d); H.G. Gallimore, Inc. v. Abdula, 652 F.Supp. 437, 441 (N.D. Ill. 1987). Section 1961(5) provides: 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after October 15, 1970 and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity... The Court rejected the Eighth Circuit's requirement that more than a single scheme must be alleged to support a civil RICO claim. Id. Thus, a pattern of racketeering activity requires (1) a relationship between predicate acts and (2) predicate acts that amount to or threaten continued criminal activities. Id. at 2900. Proof of these two constituents of pattern, although stated separately for analytical purposes, will overlap. Id. The Court defined 'relationship' for purposes of a RICO pattern consistently with the Dangerous Special Offender Sentencing Act, 182 USC §§ 3575 et seq. (now partially repealed). A defendant's predicate acts must have some

relationship to one another by virtue of having similar 'purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events' Id. at 2901 (quoting 18 USC § 3575(e)).

Summary

Necessary elements for a civil RICO claim, specifically focusing on the requirement of a "pattern of racketeering activity." It emphasizes that a pattern requires at least two related predicate acts that are continuous and not isolated events. This aligns with the proposition's assertion that the complaint describes a pattern of racketeering activity involving multiple acts over a period, satisfying the relationship and continuity requirements under H.J. Inc. v. Northwestern Bell.

[Decatur Ventures, LLC v. Stapleton Ventures, Inc., 373 F.Supp.2d 829 \(S.D. Ind. 2005\)](#)

U.S. District Court — Southern District of Indiana

Extract

The Federal RICO statute prohibits various activities associated with the operation of an 'enterprise' by means of a 'pattern of racketeering activity.' 18 U.S.C. § 1962(a)-(d)... A 'pattern of racketeering activity' consists of at least two predicate acts of racketeering committed within a ten-year time period. 18 U.S.C. § 1961(5)... a civil RICO plaintiff must allege predicate acts of fraud with particularity. Fed.R.Civ.P. 9(b)... the plaintiff 'must allege 'the identity of the person who made the misrepresentation, the time, place and content of the misrepresentation, and the method by which the misrepresentation was communicated to the plaintiff.''... the continuity of predicate acts necessary to establish a pattern of racketeering activity can be either open-or close-ended in nature... Plaintiffs have thus sufficiently alleged an association-in-fact RICO enterprise.

Summary

Requirements for a RICO claim, emphasizing the need for a pattern of racketeering activity, which includes at least two predicate acts within ten years, and the necessity to allege these acts with particularity. It also discusses the concept of an association-in-fact enterprise, which is relevant to the proposition as it involves multiple individuals working together with a common purpose. The passage supports the proposition by confirming that the complaint must detail the timing, participants, and methods of the alleged acts, and demonstrate continuity and relationship among the acts.

[Ellis v. Warner, CASE NO. 15-10134-CIV-GOODMAN \(S.D. Fla. Feb 16, 2017\)](#)

U.S. District Court — Southern District of Florida

Extract

Plaintiff alleges that Defendants operate an ongoing, association-in-fact enterprise to undertake a coordinated scheme of deceptive and unlawful acts to confiscate property... Racketeering activity includes in its definition all of the predicate acts alleged by Plaintiff: mail fraud; wire fraud... To establish a pattern of racketeering activity, 'a plaintiff... must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239... Under this 'continuity' requirement, courts require allegations of either open-ended continuity, in which there is an ongoing threat of racketeering activity beyond the predicate act, or closed-ended continuity, where the racketeering occurred over a substantial period of time.

Summary

The passage from "Ellis v. Warner" discusses the requirements for establishing a RICO claim, including the need to allege an association-in-fact enterprise and a pattern of racketeering activity. It references the necessity of showing related and continuous predicate acts, as outlined in H.J. Inc. v. Northwestern Bell, which aligns with the proposition's requirements. The passage also highlights the need for either open-ended or closed-ended continuity, which supports the proposition's claim of ongoing threats and coordination over a substantial period.

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

U.S. District Court — Northern District of Iowa

Extract

Under RICO, a pattern of racketeering activity requires at least two predicate acts of racketeering activity, the last of which occurred within ten years of a predicate act previously committed by the defendant enterprise. 18 U.S.C. § 1961(5); Manion, 967 F.2d at 1185; Diamonds Plus, Inc., 960 F.2d at 769. Courts have noted that a RICO 'pattern' has two characteristics, 'relatedness' and 'continuity.' Manion, 967 F.2d at 1185-86; Terry A. Lambert Plumbing, Inc. v. Western Sec. Bank, 934 F.2d 976, 979 (8th Cir.1991). Predicate acts are 'related' if they '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.'

Summary

Requirements for establishing a pattern of racketeering activity under RICO, which includes at least two predicate acts that are related and continuous.

This directly supports the proposition that the complaint must allege a pattern of racketeering activity with related and continuous acts. The passage also explains the concept of "relatedness" and "continuity," which are essential to the proposition's claim of a structured, ongoing scheme.

[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

The question presented by this case is whether an association-in-fact enterprise must have "an ascertainable structure beyond that inherent in the pattern of racketeering activity in which it engages." ... We hold that such an enterprise must have a "structure" but that an instruction framed in this precise language is not necessary. ... 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." ... 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."

Summary

The passage from Boyle v. United States clarifies that an association-in-fact enterprise under RICO must have a structure, which includes a purpose, relationships among associates, and longevity. This aligns with the proposition that the complaint must allege an enterprise with a common purpose and coordinated activities. The passage also confirms that RICO applies to individuals associated in fact, supporting the idea that Myers, Branhoover, and Wilson could form such an enterprise. The requirement for a pattern of racketeering activity is also addressed, which is relevant to the complaint's allegations of multiple predicate acts over time.

[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. Pp. 237-239.

Summary

The passage from the Supreme Court decision clarifies that to establish a "pattern of racketeering activity" under RICO, there must be both a "relationship" and "continuity" among the predicate acts. This directly supports the proposition that the complaint must allege related and continuous acts to state a RICO claim. The passage provides the legal standard that the complaint in question aims to meet by detailing the alleged racketeering activities over an 18-month period.

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

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

Extract

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 Act defines a 'pattern' as requiring at least two acts of racketeering or predicate acts. 18 U.S.C. § 1961(5)... Predicate acts are 'related' if they '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.'

Summary

Elements required to establish a RICO violation, which include conduct of an enterprise through a pattern of racketeering activity with at least two acts. It clarifies that the enterprise's common purpose does not need to be illegal, and the pattern of racketeering activity must show relatedness and continuity. This supports the proposition by confirming that the complaint's allegations of a structured, ongoing scheme with specific acts over a substantial period can sufficiently plead the existence of an enterprise and a pattern of racketeering activity.

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

U.S. District Court — District of Maryland

Extract

To plead a civil RICO claim, the plaintiff must allege '1) conduct [causing injury to business or property] 2) of an enterprise 3) through a pattern 4) of racketeering activity.' ... Notably, 'an association-in-fact enterprise must have at least three structural features.' Boyle, 556 U.S. at 946. These include 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' ... A 'pattern of racketeering activity' requires 'at least two acts of racketeering activity. ... the last of which occurred within ten years. ... after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Although 'two acts are necessary, they may not be sufficient.' Sedima, 473 U.S. at 496 n.14. To prove a pattern, a plaintiff is required to show that the predicate acts 'are [1] related and [2] that they amount to or pose a threat of continued criminal activity.' H.J. Inc., 492 U.S. at 239 (first emphasis in original; second emphasis added).

Summary

Requirements for pleading a civil RICO claim, which include alleging an enterprise and a pattern of racketeering activity. It specifies that an association-in-fact enterprise must have a purpose, relationships, and longevity, which aligns with the proposition's description of a structured, ongoing scheme. The passage also details the need for at least two related predicate acts within ten years, supporting the proposition's claim of a pattern of racketeering activity. The reference to H.J. Inc. v. Northwestern Bell further supports the continuity and relationship requirements mentioned in the proposition.

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

U.S. District Court — District of Maryland

Extract

There may be multiple persons whose association with the same RICO enterprise gives rise to multiple violations of Section 1962(c). "Enterprise," as set forth in 18 U.S.C. § 1961(4), "includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." A RICO enterprise is characterized by " 'continuity, unity, shared purpose and identifiable structure.' " United States v. Fiel, 35 F.3d 997, 1003 (4th Cir. 1994) (citation omitted). An "enterprise" requires proof of three elements: (1) an ongoing organization; (2) associates functioning as a continuing unit; and (3) the enterprise is an entity "separate and apart from the pattern of activity in which it engages." ... To show a "pattern of racketeering activity," a plaintiff must "adequately plead at least two predicate acts of racketeering activity [.]" Am. Chiropractic Assoc., Inc. v. Trigon Healthcare, Inc., 367 F.3d 212,

233 (4th Cir.2004) (citing 18 U.S.C. § 1961(5)). ... To state a plausible claim of a pattern of racketeering activity, the plaintiff must allege facts establishing "that the racketeering predicates are related and that they amount to or pose a threat of continued criminal activity." Cf. H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989) ... Defendants also argue that Plaintiff's allegations are insufficient to meet the continuity-of-activity requirement. A plaintiff can fulfill the continuity-of-activity requirement by establishing either a closed or open-ended pattern. H.J. Inc., 492 U.S. at 241, 109 S.Ct. 2893.

Summary

Detailed explanation of what constitutes a RICO enterprise and a pattern of racketeering activity. It outlines the requirements for an enterprise, including continuity, unity, shared purpose, and identifiable structure, which aligns with the proposition's claim of an association-in-fact enterprise. It also discusses the need for at least two predicate acts and the relationship and continuity requirements, which are essential for establishing a pattern of racketeering activity. These elements directly support the proposition's assertion that the complaint sufficiently pleads a RICO claim.

[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

The passage explains that RICO targets "racketeering activity," which includes acts indictable under federal criminal provisions like mail and wire fraud. It also clarifies that RICO allows for a private civil action to recover damages for injuries caused by a violation of section 1962, which prohibits conducting an enterprise through a pattern of racketeering activity. This supports the proposition by confirming that the alleged activities (mail and wire fraud) can constitute racketeering activity under RICO, and that a civil action can be pursued if these activities are part of a pattern conducted through an enterprise.

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

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

Extract

The Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. ?? 1961-1968, imposes criminal and civil liability upon those who engage in certain 'prohibited activities.' Each prohibited activity is defined in 18 U.S.C. ? 1962 to include, as one necessary element, proof either of 'a pattern of racketeering activity' or of 'collection of an unlawful debt.' 'Racketeering activity' is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' 18 U.S.C. ? 1961(1) (1982 ed., Supp. V); but of the term 'pattern' the statute says only that it 'requires at least two acts of racketeering activity' within a 10-year period, 18 U.S.C. ? 1961(5)....

Summary

The passage from De Wit v. Firststar Corp. outlines the statutory requirements for a RICO claim, specifically the need for a "pattern of racketeering activity," which involves at least two acts within a 10-year period. This directly supports the proposition that the complaint must allege a pattern of racketeering activity, as it provides the legal framework for what constitutes such a pattern under RICO. The passage also highlights the importance of relatedness and continuity, which are key elements in establishing a RICO claim, as mentioned in the proposition.

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

U.S. District Court — District of Arizona

Extract

RICO makes it unlawful for 'any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any of several listed crimes 'which is chargeable under State law and punishable by imprisonment for more than one year,' as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity, which must be 'related' and 'amount to or pose a threat of continued criminal activity.' ... 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.

Summary

Statutory requirements for a RICO claim, which include the existence of an enterprise, a pattern of racketeering activity, and the requirement that the acts are related and continuous. These elements are directly relevant to the proposition, which asserts that the complaint sufficiently alleges these elements. The passage also emphasizes the need for at least two predicate acts, which aligns with the proposition's claim of a pattern of racketeering activity.

[Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#)

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

Extract

To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... To establish such a pattern of racketeering activity, 'a plaintiff must plead at least two predicate acts, show that the acts are related and that they amount to, or pose a threat of, continuing criminal activity.' H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

Summary

Necessary elements to plead a RICO claim, which include alleging a pattern of racketeering activity and the existence of an enterprise. It references the requirement of at least two predicate acts that are related and pose a threat of continued criminal activity, aligning with the requirements under H.J. Inc. v. Northwestern Bell. This directly supports the proposition that the complaint must allege these elements to state a RICO claim.

[Choimbul v. Fairfield Resorts, Inc., 428 F.Supp.2d 437 \(E.D. Va. 2006\)](#)

U.S. District Court — Eastern District of Virginia

Extract

The RICO statute defines racketeering activity to include, among other things, any act indictable under specified federal statutes, including 18 U.S.C. § 1341 (Mail Fraud), 18 U.S.C. § 1343 (Wire Fraud)... A 'pattern of racketeering activity' is defined as at least two predicate acts within a ten year period. 18 U.S.C. § 1961(5) (2006). However, courts have held that alleging only two predicate acts is not wholly sufficient to satisfy the pattern of racketeering element. *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 237-38, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). In Northwestern Bell, the United States Supreme Court held that in order to establish a pattern of racketeering activity, a plaintiff must not only allege that at least two predicate acts existed, but that the predicate acts are 'related' and amount to or pose a threat of 'continued' criminal activity.

Summary

Requirements for establishing a RICO claim, specifically the need for at least two predicate acts of racketeering activity that are related and continuous. This aligns with the proposition's assertion that the complaint describes a pattern of racketeering activity involving mail and wire fraud, which are recognized predicate acts under RICO. The passage also references the *H.J. Inc. v. Northwestern Bell* decision, which is directly cited in the proposition, reinforcing the need for relatedness and continuity in the alleged acts.

[United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

The plaintiffs allege that the defendants' activities constitute predicate acts of mail and wire fraud in furtherance of a fraudulent solar energy tax shelter scheme. The plaintiffs claim that the defendants injured them by violating (1) RICO section 1962(c) by participating in the conduct of the affairs of enterprises through a pattern of racketeering activity... The Supreme Court held in *United States v. Turkette*, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), that under section 1962(c) a RICO enterprise must be 'an entity separate and apart from the pattern of [racketeering] activity in which it engages.'... The 'pattern of racketeering activity is ... a series of criminal acts,' while an enterprise may be 'a group of persons associated together for a common purpose of engaging in a course of conduct.'

Summary

Requirements for a RICO claim, specifically the need for an enterprise to be separate from the pattern of racketeering activity, and the definition of a pattern of racketeering activity as a series of criminal acts. This aligns with

the proposition's requirement to allege an enterprise and a pattern of racketeering activity. The passage also references the Supreme Court's decision in United States v. Turkette, which is a key authority on the definition of a RICO enterprise.

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

U.S. District Court — District of Massachusetts

Extract

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.' ... For purposes of RICO liability, 'an enterprise may be a legal entity. .. or it may be an informal grouping of individuals associated in fact.' ... A "pattern of racketeering activity" requires at least two acts of racketeering activity within ten years of each other. ... To satisfy this mandate, a plaintiff must plead facts showing that racketeering acts are 'related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Necessary elements to plead a civil RICO action, which include conduct of an enterprise through a pattern of racketeering activity. It specifies that an enterprise can be an informal association-in-fact, which aligns with the proposition's claim of an association-in-fact enterprise among the defendants. The passage also explains the requirement for a pattern of racketeering activity, including the need for related acts that pose a threat of continued criminal activity, which supports the proposition's description of ongoing threats and coordination over an 18-month period.

[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). ... For a pattern of racketeering activity to exist, 'two or more predicate acts of racketeering must have been committed within a ten-year period.' ... Instead, 'a plaintiff ... must show that the racketeering predicates are related, and that they amount to or pose a threat of continued

criminal activity.' ... 'In essence, the pattern requirement has been reduced to a 'continuity plus relationship' test.'

Summary

Essential elements required to establish a civil RICO claim, which include the existence of an enterprise and a pattern of racketeering activity. It specifies that the pattern must consist of at least two predicate acts within ten years and must demonstrate continuity and relationship, aligning with the requirements under H.J. Inc. v. Northwestern Bell. This directly supports the proposition that the complaint must allege these elements to state a RICO claim.

[Terry A. Lambert Plumbing, Inc. v. Western Sec. Bank, 934 F.2d 976 \(8th Cir. 1991\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

"Continuity" is both a closed- and open-ended concept, 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. It is, in either case, centrally a temporal concept.... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct. Often a RICO action will be brought before continuity can be established in this way. In such cases, liability depends on whether the threat of continuity is demonstrated.

Summary

The passage explains the concept of "continuity" in the context of RICO claims, which is crucial for establishing a pattern of racketeering activity. It highlights that continuity can be demonstrated over a closed period by showing a series of related predicate acts extending over a substantial period of time. This directly supports the proposition that the complaint describes a pattern of racketeering activity over an 18-month period, which is a substantial period of time. The passage also notes that the threat of continuity can be demonstrated, which aligns with the complaint's allegations of ongoing threats and coordination among the defendants.

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

U.S. Supreme Court

Extract

In order to secure a conviction under RICO, 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. 18 U.S.C. § 1961(1) (1976 ed., Supp. III). 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 U.S. Supreme Court in *United States v. Turkette* clarified that to prove a RICO violation, there must be evidence of both an enterprise and a pattern of racketeering activity. An enterprise can be a group of individuals associated for a common purpose, and it must function as a continuing unit. This aligns with the proposition that the complaint alleges an association-in-fact enterprise with a common purpose and a pattern of racketeering activity.

[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. ... 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 under 18 U.S.C. §§ 1341 and 1343.

Summary

Legal framework that supports the proposition by detailing the criteria needed to establish a RICO claim.

[American Chiropractic v. Trigon Healthcare, 367 F.3d 212 \(4th Cir. 2004\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

A plaintiff bringing a civil RICO action under § 1964(c) must adequately plead at least two predicate acts of racketeering that form a 'pattern of racketeering.' 18 U.S.C.A. § 1961(5). Private civil RICO suits may be brought regardless of whether the government chooses to prosecute the criminal RICO violation. *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 493, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985).

Summary

Requirement for a civil RICO action, which includes adequately pleading at least two predicate acts of racketeering to form a pattern. This aligns with the proposition's requirement to allege a pattern of racketeering activity. The passage also notes that private civil RICO suits can be brought independently of government prosecution, supporting the notion that the complaint can stand on its own merits if it meets the statutory requirements.

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

Extract

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Summary

The passage from 18 U.S.C. § 1962(b) directly addresses the unlawful nature of acquiring or maintaining control over an enterprise through a pattern of racketeering activity. This supports the proposition by establishing the legal framework under which the alleged activities of Myers, Branhoover, and Wilson could be considered unlawful if they engaged in a pattern of racketeering to control an enterprise. The complaint's allegations of drafting false legal documents and serving fraudulent eviction notices could constitute such a pattern, thereby supporting the RICO claim.

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

Extract

As used in this chapter- 'racketeering activity' means... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud)... '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 provides definitions crucial for establishing a RICO claim, such as "racketeering activity," which includes mail and wire fraud, and "enterprise," which can be a group of individuals associated in fact. It also defines a "pattern of racketeering activity" as requiring at least two acts within ten years. These definitions align with the elements needed to support the proposition that the complaint alleges a RICO claim by describing an enterprise and a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (48) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering that occur within ten years of each other, (49) proof of such acts, without more, may not suffice to establish a RICO violation. (50) There must also be proof that the predicate acts are continuous and interrelated. (51) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (52) In *H.J. Inc. v. Northwestern Bell Telephone Co.*, (53) the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (54) Although these two requirements, referred to as the 'continuity plus relationship' test, (55) must be separately established, the Court has recognized that evidence on these two prongs often will overlap. (56)

Summary

Requirements for establishing a pattern of racketeering activity under RICO, specifically the need for at least two predicate acts that are continuous and interrelated. It references the "continuity plus relationship" test from *H.J. Inc. v. Northwestern Bell*, which is directly relevant to the proposition's claim that the complaint satisfies these requirements. The passage supports the proposition by confirming that the complaint's allegations of ongoing, coordinated acts over a substantial period could meet the RICO pattern requirement.

[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. When a 'legal' entity is the enterprise under consideration, 'there is little difficulty in proving the existence of the enterprise. Proof that the entity in question has a legal existence satisfies the enterprise element.' In contrast, proving the existence of an association-in-fact enterprise requires showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.'

Summary

Requirements for establishing a RICO enterprise, particularly an association-in-fact enterprise, which is relevant to the proposition. It specifies the need for a common purpose, continuity, and an ascertainable structure, which aligns with the complaint's allegations of a structured, ongoing scheme with a common purpose. The passage also discusses the necessity of proving a pattern of racketeering activity, which supports the complaint's description of multiple predicate acts over a substantial period.

Racketeer influenced and corrupt organizations.

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

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.'... The Supreme Court made a second attempt to clarify the 'pattern' concept in *H.J., Inc. v. Northwestern Bell Telephone Co.* In that case, the Court held that when proving a 'pattern of racketeering activity,' RICO requires both relationship and continuity of predicate acts as separate elements... proving the existence of an association-in-fact enterprise requires showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.'

Summary

Requirements for establishing a RICO claim, specifically the need for two or more predicate acts of racketeering activity and the necessity of demonstrating both relationship and continuity of these acts, as clarified in *H.J. Inc. v. Northwestern Bell*. It also explains the criteria for proving an association-in-fact enterprise, which includes a common purpose and a course of conduct. These elements directly support the proposition by aligning with the allegations in the complaint regarding the structured, ongoing scheme and the specific acts by each defendant.

Racketeer influenced and corrupt organizations.

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

Extract

To prosecute a defendant under RICO, the government must prove that the defendant: (i) through the commission of two or more acts constituting a pattern of racketeering activity; (ii) directly or indirectly invested in, maintained an interest in, or participated in, an enterprise; (iii) the activities of which affected interstate or foreign commerce... RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.'... The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated... In *H.J. Inc. v. Northwestern Bell Telephone Co.*, the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes.

Summary

Requirements for establishing a RICO violation, which include proving a pattern of racketeering activity through at least two predicate acts that are continuous and interrelated, as well as the existence of an enterprise. The passage references the *H.J. Inc. v. Northwestern Bell* case, which is directly relevant to the proposition as it discusses the "continuity plus relationship" test necessary for a RICO claim. This aligns with the proposition's assertion that the complaint must allege a structured, ongoing scheme with specific acts over a substantial period.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Donovan, Emily R. - 1995-01-01

Extract

RICO indictments require that the government prove: (1) that the defendant, through the commission of two or more acts; (2) constituting a pattern of racketeering activity; (3) directly or indirectly invested in, or maintained an interest in, or participated in; (4) an enterprise; (5) the activities of which affected interstate or foreign commerce... To prove the existence of an enterprise, prosecutors must show the existence of an ongoing organization which functions as a 'continuing unit.'... the proof needed to establish either can 'coalesce.'... the Second Circuit's requirement is among the least demanding. The court upheld convictions where the evidence showed only that 'the enterprise was, in effect, no more than the sum of the predicate racketeering acts.'

Summary

To support a RICO claim, the complaint must allege at least two predicate acts that form a pattern of racketeering activity and demonstrate the existence of an enterprise. The passage explains that the enterprise can be shown as an ongoing organization functioning as a continuing unit, and that the proof of enterprise and pattern can coalesce. This aligns with the proposition that the complaint describes a structured, ongoing scheme with specific acts over a substantial period, thus sufficiently pleading the existence of an enterprise and a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Beard, Glen - 1996-03-22

Extract

A RICO enterprise is 'a group of persons associated together for a common purpose in a course of conduct.' 'A RICO enterprise must exhibit three basic characteristics: (1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that in a pattern of racketeering.' ... The Supreme Court therefore made a second attempt to clarify the 'pattern' concept. In *H. J. Inc. v. Northwestern Bell Telephone Co.*, Supreme Court held that in order to prove a 'pattern of racketeering activity,' a prosecutor must show both relationship and continuity.

Summary

Definition of a RICO enterprise and outlines the necessary characteristics, such as a common purpose and continuity, which align with the proposition's claim of an association-in-fact enterprise. Additionally, the passage references the Supreme Court's decision in *H.J. Inc. v. Northwestern Bell*, which is directly cited in the proposition, to explain the requirements for a

pattern of racketeering activity, emphasizing the need for relationship and continuity. This supports the proposition's assertion that the complaint sufficiently alleges these elements.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (43) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering occurring within ten years of each other, (44) simply proving two acts may not be sufficient to establish a RICO violation. (45) The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. (46) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (47) In *H.J. Inc. v. Northwestern Bell Telephone Co.*, (48) the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (49) These requirements, referred to as the 'continuity plus relationship' test, (50) must be proven independently, but the Court has recognized that evidence establishing the two elements will often overlap. (51)

Summary

To establish a RICO claim, the complaint must demonstrate a pattern of racketeering activity, which requires at least two predicate acts that are continuous and interrelated. The passage references the Supreme Court's decision in *H.J. Inc. v. Northwestern Bell*, which is directly relevant to the proposition as it outlines the "continuity plus relationship" test necessary for a RICO claim. This aligns with the proposition's assertion that the complaint describes a pattern of racketeering activity and satisfies the relationship and continuity requirements.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bremer, Lance - 1997-01-01

Extract

conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics.(53) ... The Supreme Court made a second attempt to clarify the

"pattern" concept in H.J. Inc. v. Northwestern Bell Telephone Co. (54) In that case, the Supreme Court held that in order to prove a "pattern of racketeering activity," a prosecutor must show both relationship and continuity as separate elements.(55) ... "A RICO enterprise must exhibit three basic characteristics: (1) a common or shared purpose; (2) some continuity of structure and personnel; and (3) an ascertainable structure distinct from that in a pattern of racketeering." (110) ... proof of an association-in-fact enterprise requires proof that "a group of persons associated together for a common purpose of engaging in a course of conduct."(113)

Summary

The passages provide a detailed explanation of what constitutes a "pattern of racketeering activity" and an "enterprise" under RICO. They emphasize the need for a relationship and continuity among the acts, as well as a common purpose and structure among the participants. These elements align with the requirements outlined in the proposition, which describes an association-in-fact enterprise with a common purpose and a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

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

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.'... A recurring issue is the type and sufficiency of proof the government must offer to establish the existence of a RICO enterprise... 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.'... finding defendant's two racketeering acts were sufficiently interrelated and posed threat of continued racketeering under RICO's pattern requirement... holding that plaintiff who alleges high number of related predicate acts committed over substantial period of time establishes that those acts amount to continued criminal activity for purposes of establishing closed ended period of racketeering activity.

Summary

Requirements for establishing a RICO claim, including the need for two or more predicate acts of racketeering activity and the characteristics of a RICO enterprise. It emphasizes the necessity of a common purpose, continuity, and an ascertainable structure, which aligns with the proposition's description of an association-in-fact enterprise. The passage also discusses the relationship and continuity requirements, which are

crucial for demonstrating a pattern of racketeering activity, as described in the proposition.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (48) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering that occur within ten years of each other, (49) proof of such acts, without more, may not suffice to establish a RICO violation. (50) There must also be proof that the predicate acts are continuous and interrelated. (51) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (52) In *H.J. Inc. v. Northwestern Bell Telephone Co.*, (53) the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (54) Although these two requirements, referred to as the 'continuity plus relationship' test, (55) must be separately established, the Court has recognized that evidence on these two prongs often will overlap. (56)

Summary

Requirements for establishing a pattern of racketeering activity under RICO, specifically the need for at least two predicate acts that are continuous and interrelated. This directly supports the proposition that the complaint must allege a pattern of racketeering activity, as it describes the necessary elements of continuity and relationship between acts, as established in *H.J. Inc. v. Northwestern Bell*.

[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. ... To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common

purpose. • Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.

Summary

An enterprise is a structured group of individuals associated for a common purpose, and a pattern of racketeering activity requires at least two acts within ten years. This aligns with the proposition's requirement to allege an enterprise and a pattern of racketeering activity, including specific acts and participants.

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

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

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.' (18) ... the Supreme Court has long endorsed that expansive interpretation, which breathed new life into RICO by allowing prosecutors to go directly after organized criminals without awaiting efforts to infiltrate legitimate businesses. See *United States v. Turkette*, 452 U.S. 576, 587 (1981) (holding that purely illegitimate groups can constitute RICO enterprises).

Summary

RICO's Subsection 1962(c) is applicable to individuals associated with enterprises conducting racketeering activities. The passage also references the Supreme Court's interpretation in *United States v. Turkette*, which supports the idea that even illegitimate groups can be considered RICO enterprises. This aligns with the proposition that the complaint alleges an association-in-fact enterprise with a pattern of racketeering activity.

[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

Clear explanation of the "pattern of racketeering activity" requirement under RICO, emphasizing the need for related and continuous criminal acts. It aligns with the proposition by highlighting the necessity of demonstrating a relationship and continuity among the acts, which the complaint in the proposition claims to do by detailing the timing, participants, and methods of the alleged racketeering activities over an 18-month period.

[RICO: A Primer](#)

Extract

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

Broad definition of a RICO enterprise, which includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that Myers, Branthoover, and Wilson could form an association-in-fact enterprise. The passage also explains the requirement for a pattern of racketeering activity, emphasizing the need for continuity and

relationship among predicate acts, which aligns with the complaint's allegations of ongoing threats and coordination over an 18-month period. The passage further clarifies that the acts need not be similar but must relate to the enterprise's affairs, supporting the complaint's description of varied acts like filing false documents and using mail and wire communications.

[RICO: A Primer](#)

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