

## **Question**

The complaint asserts that the alleged racketeering activities occurred across state lines (Texas and Oklahoma) and that a substantial part of the events took place in the Western District of Oklahoma. Federal courts have jurisdiction over RICO claims under 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c), and venue is proper where a substantial part of the events giving rise to the claim occurred (28 U.S.C. § 1391). The allegations of interstate communications, travel, and financial transactions, as well as the location of key events in the Western District of Oklahoma, establish proper jurisdiction and venue.

## **Answer (U.S. Federal)**

### **Short response**

The allegations of racketeering activities occurring across state lines (Texas and Oklahoma) establish federal subject matter jurisdiction under [28 U.S.C. § 1331](#) and [18 U.S.C. § 1964](#)(c), while the substantial part of events taking place in the Western District of Oklahoma establishes proper venue under [28 U.S.C. § 1391](#).

### **Summary**

The proposition correctly asserts that federal courts have jurisdiction over RICO claims based on both [28 U.S.C. § 1331](#), which grants federal question jurisdiction for claims arising under federal law, and [18 U.S.C. § 1964](#)(c), which specifically grants jurisdiction to federal district courts for RICO civil claims. The interstate nature of the alleged racketeering activities (occurring across Texas and Oklahoma) satisfies the interstate commerce requirement fundamental to RICO claims, while the location of a substantial part of the events in the Western District of Oklahoma properly establishes venue under [28 U.S.C. § 1391](#)(b)(2).

The allegations of interstate communications, travel, and financial transactions further support both jurisdiction and venue determinations. The interstate element demonstrates the requisite connection to interstate commerce for RICO claims, while the location of key events in the Western District of Oklahoma satisfies the "substantial part" requirement for venue purposes. Additionally, [18 U.S.C. § 1965](#) provides specific venue provisions for RICO claims, which work in conjunction with the general venue statute to establish the Western District of Oklahoma as a proper venue for this action.

# **Background and Relevant Law**

## **Legislative Framework**

### **Federal Question Jurisdiction**

Federal courts have "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." [28 U.S.C. § 1331](#). This provision establishes federal question jurisdiction, allowing federal courts to hear cases involving federal statutes such as the Racketeer Influenced and Corrupt Organizations Act (RICO).

### **RICO Civil Remedies**

RICO provides specific jurisdictional provisions for civil claims. [18 U.S.C. § 1964](#)(c) states: "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." This provision explicitly grants jurisdiction to federal district courts for civil RICO claims.

Additionally, [18 U.S.C. § 1964](#) provides that "The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders..." This further establishes federal court jurisdiction over RICO violations.

### **Prohibited Activities Under RICO**

RICO makes it unlawful to engage in certain racketeering activities affecting interstate commerce. [18 U.S.C. § 1962](#) states: "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." The interstate commerce requirement is essential to establishing federal jurisdiction over RICO claims.

### **Venue Provisions**

The general venue statute, [28 U.S.C. § 1391](#), provides that a civil action may be brought in "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." This establishes the "substantial part" test for determining proper venue in federal civil cases.

RICO also contains a specific venue provision. [18 U.S.C. § 1965](#) states: "Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs." This

provides additional venue options for RICO civil claims beyond those in the general venue statute.

## **Multi-District Offenses**

For offenses occurring across multiple districts, [18 U.S.C. § 3237](#) provides: "Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves." While primarily addressing criminal prosecutions, this provision reflects the broad approach to jurisdiction and venue in cases involving interstate activities.

## **Case Law**

### **Federal Question Jurisdiction for RICO Claims**

Courts have consistently recognized federal question jurisdiction for RICO claims. In [Gibbs v. Stinson, 421 F.Supp.3d 267 \(E.D. Va. 2019\)](#), the court stated: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. [28 U.S.C. § 1331](#). The Amended Complaint alleges violations of [18 U.S.C. § 1962](#) of the Racketeer Influenced and Corrupt Organizations Act ('RICO')." This confirms that RICO claims automatically fall under federal question jurisdiction.

### **Venue Requirements for RICO Claims**

The "substantial part" test for venue has been interpreted broadly by federal courts. In [Kirby-Smith Mach., Inc. v. Holmgren Enters., Inc., NO. CIV-13-374-HE \(W.D. Okla. Nov 27, 2013\)](#), the court explained that venue under § 1391(a)(2) "is not limited to the district [where] the most substantial event or omissions giving rise to the claim occurred." Rather, "the statute 'contemplates that venue can be appropriate in more than one district ... [and] permits venue in multiple judicial districts as long as a substantial part of the underlying events took place in those districts.'" The court emphasized that while some substantial events underlying the claims took place elsewhere, the plaintiff had shown "the occurrence in this district of 'acts and omissions that have a close nexus to the alleged claims,'" which satisfied the substantiality requirement and made venue proper in that district.

Similarly, in [D'Addario v. Geller, 264 F.Supp.2d 367 \(E.D. Va. 2003\)](#), the court noted that venue is proper "pursuant to [28 U.S.C. § 1391\(b\)](#), because a substantial part of the events giving rise to the action occurred in this

district, and pursuant to [18 U.S.C. § 1965](#)." The court further explained that under § 1391(b), venue is appropriate in "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated." This confirms that both the general venue statute and RICO's specific venue provision can establish proper venue for RICO claims.

In [Gibbs v. Stinson, 421 F.Supp.3d 267 \(E.D. Va. 2019\)](#), the court further clarified that "Plaintiffs may establish venue to pursue their RICO claims under either RICO or the general venue statutes." This demonstrates the flexibility plaintiffs have in establishing venue for RICO claims, being able to rely on either the general venue provisions or RICO's specific venue provisions.

## **Nationwide Service of Process and Jurisdiction in RICO Cases**

RICO's nationwide service of process provision enhances the ability to establish jurisdiction over defendants in RICO cases. In [Dooley v. United Technologies Corp., 786 F.Supp. 65 \(D. D.C. 1992\)](#), the court found that "RICO provides for nationwide service of process under section 1965(d)," which served as a basis for exercising personal jurisdiction over the defendants. The court also found that "venue is proper as to the plaintiff's non-RICO claims under the Court's pendent venue authority" since all claims arose "out of a common nucleus of operative fact." The court concluded that "under Title 28, United States Code, section 1391(b) and the pendent venue doctrine, venue is proper as to the entire complaint."

It should be noted that [Dooley v. United Technologies Corp.](#) was stated as overruled by [Myers v. Holiday Inns, Inc., 915 F.Supp.2d 136 \(D. D.C. 2013\)](#). However, the overruling likely pertains to specific aspects of the decision rather than the general principles of RICO jurisdiction and venue, as these principles are well-established in other cases and the statute itself. Given the availability of other authorities supporting these principles, the impact of this negative treatment on the current analysis is minimal.

## **Interstate Commerce and RICO Jurisdiction**

The interstate commerce element of RICO is crucial for establishing federal jurisdiction. In [David v. Signal Intern., LLC, 588 F.Supp.2d 718 \(E.D. La. 2008\)](#), the court explained that "all RICO claims under § 1962 have three common elements: (1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." The court also noted RICO's "special nationwide service of process provision," stating that "the relevant inquiry is whether the Dewan defendants have had minimum contacts with the United States." This emphasizes the broad reach of RICO's jurisdictional provisions when activities occur across state lines.

In considering the substance of contacts with a forum, [Gutierrez v. Givens, 1 F.Supp.2d 1077 \(S.D. Cal. 1998\)](#) held that "Economic substance, not formality, is the proper gauge for determining a defendant's contacts with the forum state." The court noted that "California contacts created by

Colonial's interactions with the California defendants are a clear part of the conspiracy alleged in the FAC. Therefore, Plaintiffs' claims arise out of and are in part a result of the defendant's forum-related activities." This supports the importance of substantive contacts in establishing jurisdiction and venue in RICO cases.

## Secondary Materials

A comprehensive explanation of RICO requirements is provided in RICO: A Primer (2022), which states that "RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.'" It explains that 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 to capture both legitimate and illegitimate enterprises.

The primer further explains that under section 1962(b), "it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of an unlawful debt." Similarly, under section 1962(c), "it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt." These provisions emphasize the interstate commerce requirement for RICO violations.

Additional insight is provided by [Civil Rico: A Tool of Advocacy](#) (2024), which explains that "RICO creates a private cause of action under [18 U.S.C. § 1964](#)(c). To state a civil RICO claim, a plaintiff must allege (1) two or more predicate racketeering offenses, (2) the existence of an enterprise affecting interstate commerce, (3) a connection between the racketeering offenses, and (4) an injury by reason of the above." This clearly identifies the interstate commerce requirement as a fundamental element of RICO claims.

## Analysis

### Federal Jurisdiction Over RICO Claims

The proposition correctly asserts that federal courts have jurisdiction over RICO claims based on two statutory provisions:

1. **Federal Question Jurisdiction ([28 U.S.C. § 1331](#))**: RICO claims arise under federal law, specifically [18 U.S.C. § 1962](#), which prohibits certain racketeering activities. As the court in [Gibbs v. Stinson, 421 F.Supp.3d 267 \(E.D. Va. 2019\)](#) confirmed, federal courts have original jurisdiction over RICO claims under § 1331 because they arise under the laws of the United States.
2. **RICO-Specific Jurisdiction ([18 U.S.C. § 1964\(c\)](#))**: This provision explicitly grants jurisdiction to federal district courts for civil RICO claims. The statute allows any person injured by a RICO violation to sue

"in any appropriate United States district court." This creates an independent basis for federal jurisdiction over RICO claims.

The proposition's statement that "Federal courts have jurisdiction over RICO claims under [28 U.S.C. § 1331](#) and [18 U.S.C. § 1964\(c\)](#)" is therefore fully supported by the statutory provisions and case law.

## **Interstate Commerce Requirement**

A key element of establishing federal jurisdiction for RICO claims is demonstrating that the enterprise in question affects interstate commerce. This requirement is explicitly stated in [18 U.S.C. § 1962](#), which prohibits racketeering activities affecting "interstate or foreign commerce."

The allegation that the racketeering activities occurred "across state lines (Texas and Oklahoma)" directly satisfies this interstate commerce requirement. Activities spanning multiple states inherently affect interstate commerce, which is a necessary element for establishing federal jurisdiction under RICO. As explained in RICO: A Primer (2022), both section 1962(b) and 1962(c) violations require that the enterprise affects interstate or foreign commerce. Similarly, [Civil Rico: A Tool of Advocacy](#) (2024) identifies "the existence of an enterprise affecting interstate commerce" as a required element of a civil RICO claim.

The "allegations of interstate communications, travel, and financial transactions" further support the connection to interstate commerce. These are precisely the types of activities that demonstrate an enterprise affecting interstate commerce, thereby satisfying this jurisdictional requirement.

## **Venue in RICO Cases**

The proposition asserts that venue is proper in the Western District of Oklahoma because "a substantial part of the events giving rise to the claim occurred" there. This assertion is based on [28 U.S.C. § 1391](#), the general venue statute for federal civil cases.

Under § 1391, venue is proper in "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred." The key to this analysis is the "substantial part" test. As explained in [Kirby-Smith Mach., Inc. v. Holmgren Enters., Inc., NO. CIV-13-374-HE \(W.D. Okla. Nov 27, 2013\)](#), this test does not require that the most substantial events occurred in the district, only that substantial events did occur there. Furthermore, venue can be appropriate in multiple districts simultaneously, as long as substantial events occurred in each district.

The complaint's allegation that "a substantial part of the events took place in the Western District of Oklahoma" directly satisfies this test. The court in Kirby-Smith emphasized that the substantiality requirement is met when there are "acts and omissions that have a close nexus to the alleged claims" in the district. The "key events" occurring in the Western District of Oklahoma would satisfy this requirement.

Additionally, RICO has its own venue provision in [18 U.S.C. § 1965](#), which allows a civil action to be instituted in any district where a defendant "resides, is found, has an agent, or transacts his affairs." As noted in [Gibbs v. Stinson, 421 F.Supp.3d 267 \(E.D. Va. 2019\)](#), plaintiffs may establish venue for their RICO claims under either the RICO venue statute or the general venue statute. This provides additional flexibility in establishing venue for RICO claims.

The combination of these provisions strongly supports the proposition's assertion that venue is proper in the Western District of Oklahoma based on the substantial events occurring there.

## **Interstate Activities and Multi-District Offenses**

The interstate nature of the alleged racketeering activities further supports the propriety of venue in the Western District of Oklahoma. Under [18 U.S.C. § 3237](#), offenses begun in one district and completed in another, or committed in more than one district, may be prosecuted in any district where the offense was begun, continued, or completed. While primarily addressing criminal prosecutions, this provision reflects the broad approach to venue in cases involving interstate activities.

The allegations of activities occurring across state lines (Texas and Oklahoma), including interstate communications, travel, and financial transactions, demonstrate the multi-district nature of the alleged RICO violations. The Western District of Oklahoma, being a district where substantial events allegedly occurred, would be a proper venue under this analysis.

## **Economic Substance of Contacts**

In determining the propriety of jurisdiction and venue, courts look to the economic substance of contacts rather than mere formalities. As stated in [Gutierrez v. Givens, 1 F.Supp.2d 1077 \(S.D. Cal. 1998\)](#), "Economic substance, not formality, is the proper gauge for determining a defendant's contacts with the forum state." The allegations of interstate communications, travel, and financial transactions, as well as key events occurring in the Western District of Oklahoma, demonstrate substantial economic contacts with that district, further supporting the propriety of venue there.

## **Additional Venue Considerations**

It's worth noting that even for claims related to but separate from the RICO claims, venue might still be proper in the Western District of Oklahoma under the pendent venue doctrine. As explained in [Dooley v. United Technologies Corp., 786 F.Supp. 65 \(D. D.C. 1992\)](#), venue can be proper for non-RICO claims under the court's pendent venue authority when all claims arise "out of a common nucleus of operative fact." While Dooley has been stated as overruled by [Myers v. Holiday Inns, Inc., 915 F.Supp.2d 136 \(D. D.C. 2013\)](#), the concept of pendent venue for related claims remains valid in

many jurisdictions, though its applicability would depend on the specific claims involved and the court's approach to pendent venue.

## Exceptions and Caveats

While the proposition's assertions about jurisdiction and venue appear well-supported by the provided authorities, there are some potential exceptions and caveats to consider:

### Pattern of Racketeering Activity Requirement

Jurisdiction and venue in RICO cases depend not only on the interstate nature of the activities but also on the existence of a "pattern of racketeering activity." As explained in [David v. Signal Intern., LLC, 588 F.Supp.2d 718 \(E.D. La. 2008\)](#), all RICO claims require proof of "a person who engages in a pattern of racketeering activity, connected to the acquisition, establishment, conduct, or control of an enterprise." The complaint must allege specific predicate acts constituting this pattern.

[Civil Rico: A Tool of Advocacy](#) (2024) further specifies that a civil RICO claim requires allegations of "two or more predicate racketeering offenses." If the complaint fails to adequately allege these predicate offenses, jurisdiction and venue could be challenged even if the interstate element is satisfied.

### Substantiality of Events in the Western District

While venue is proper in any district where a substantial part of the events occurred, there could be challenges to the substantiality of the events alleged to have occurred in the Western District of Oklahoma. As noted in [Kirby-Smith Mach., Inc. v. Holmgren Enters., Inc., NO. CIV-13-374-HE \(W.D. Okla. Nov 27, 2013\)](#), the events must have "a close nexus to the alleged claims." If the events in the Western District are found to be tangential or insubstantial to the RICO claims, venue might be challenged.

### Multiple Proper Venues

It's important to note that under both the general venue statute and the RICO venue provision, there could be multiple proper venues for the case. As emphasized in Kirby-Smith, venue "permits venue in multiple judicial districts as long as a substantial part of the underlying events took place in those districts." This means that other districts, such as a district in Texas where some of the alleged activities occurred, could also be proper venues. The plaintiff's choice of venue might be subject to a motion to transfer venue under 28 U.S.C. § 1404(a) if another venue is found to be more convenient for parties and witnesses.

## Conclusion

The proposition's assertion that federal courts have jurisdiction over RICO claims under [28 U.S.C. § 1331](#) and [18 U.S.C. § 1964\(c\)](#) is firmly supported by

the statutory provisions and case law. Federal question jurisdiction applies to RICO claims because they arise under federal law, and RICO itself contains a specific jurisdictional provision granting federal district courts jurisdiction over civil RICO claims.

The assertion that venue is proper where a substantial part of the events giving rise to the claim occurred is also well-supported by [28 U.S.C. § 1391\(b\)\(2\)](#) and relevant case law. The "substantial part" test does not require that the most substantial events occurred in the district, only that substantial events did occur there. Additionally, RICO's specific venue provision in [18 U.S.C. § 1965](#) provides further support for the propriety of venue in the Western District of Oklahoma.

The allegations of racketeering activities occurring across state lines (Texas and Oklahoma) clearly satisfy the interstate commerce requirement fundamental to RICO claims. The interstate communications, travel, and financial transactions further demonstrate the connection to interstate commerce. The location of key events in the Western District of Oklahoma establishes that district as a proper venue under both the general venue statute and RICO's specific venue provisions.

In conclusion, based on the provided authorities, the proposition that federal courts have jurisdiction over the RICO claims in this case and that venue is proper in the Western District of Oklahoma is legally sound and well-supported.

## Legal Authorities

[Kirby-Smith Mach., Inc. v. Holmgren Enters., Inc., NO. CIV-13-374-HE \(W.D. Okla. Nov 27, 2013\)](#)

### U.S. District Court — Western District of Oklahoma

#### Extract

Venue under § 1391(a)(2) 'is not limited to the district [where] the most substantial event or omissions' giving rise to the claim occurred. Emp'rs Mut. Cas., 618 F.3d at 1165. Rather, the statute 'contemplates that venue can be appropriate in more than one district ... [and] permits venue in multiple judicial districts as long as a substantial part of the underlying events took place in those districts.' Id. (quoting Gulf Ins. Co. v. Glasbrenner, 417 F.3d 353, 356 (2d Cir.2005)). While recognizing that some of the substantial events underlying plaintiff's claims took place elsewhere, the court nonetheless concludes that plaintiff has shown the occurrence in this district of 'acts and omissions that have a close nexus to the alleged claims.' Id. at 1166 (internal quotations omitted). Therefore, the substantiality requirement is met and venue is proper in this judicial district.

## **Summary**

The passage explains that under 28 U.S.C. § 1391(a)(2), venue is proper in any district where a substantial part of the events giving rise to the claim occurred. It emphasizes that venue can be appropriate in multiple districts as long as substantial events took place there. This supports the proposition that the Western District of Oklahoma is a proper venue for the RICO claim, as substantial events related to the alleged racketeering activities occurred there.

[Gutierrez v. Givens, 1 F.Supp.2d 1077 \(S.D. Cal. 1998\)](#)

### **U.S. District Court — Southern District of California**

#### **Extract**

Economic substance, not formality, is the proper gauge for determining a defendant's contacts with the forum state. ... The California contacts created by Colonial's interactions with the California defendants are a clear part of the conspiracy alleged in the FAC. Therefore, Plaintiffs' claims arise out of and are in part a result of the defendant's forum-related activities.

## **Summary**

The court in "Gutierrez v. Givens" emphasized the importance of economic substance over formality in determining a defendant's contacts with a forum state. This supports the proposition that substantial events related to a claim, such as interstate communications and financial transactions, can establish proper jurisdiction and venue. The passage also highlights that claims can arise from forum-related activities, which aligns with the proposition's assertion about the Western District of Oklahoma.

[D'Addario v. Geller, 264 F.Supp.2d 367 \(E.D. Va. 2003\)](#)

### **U.S. District Court — Eastern District of Virginia**

#### **Extract**

Plaintiff's complaint alleges that venue is proper in this district on several grounds. The most relevant bases are pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events giving rise to the action occurred in this district, and pursuant to 18 U.S.C. § 1965. ... Under 28 U.S.C. § 1391(b), venue is appropriate in 1) a judicial district where any defendant resides, if all defendants reside in the same State, 2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or 3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

## **Summary**

The court in "D'Addario v. Geller" discusses the appropriateness of venue under 28 U.S.C. § 1391(b) for cases where a substantial part of the events giving rise to the claim occurred in the district. This supports the proposition that venue is proper in the Western District of Oklahoma if a substantial part of the events related to the RICO claim occurred there. Additionally, the passage references 18 U.S.C. § 1965, which is relevant to RICO claims, further supporting the jurisdictional basis.

[Gibbs v. Stinson, 421 F.Supp.3d 267 \(E.D. Va. 2019\)](#)

### **U.S. District Court — Eastern District of Virginia**

#### **Extract**

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. The Amended Complaint alleges violations of 18 U.S.C. § 1962 of the Racketeer Influenced and Corrupt Organizations Act ('RICO'). ... Under the general venue statute, venue is proper where a 'substantial part of the events...giving rise to the claim occurred.' 28 U.S.C. § 1391(b). Plaintiffs may establish venue to pursue their RICO claims under either RICO or the general venue statutes.

## **Summary**

Federal courts have original jurisdiction over RICO claims under 28 U.S.C. § 1331, and venue is proper where a substantial part of the events giving rise to the claim occurred, as per 28 U.S.C. § 1391(b). This supports the proposition that federal courts have jurisdiction over RICO claims and that venue is proper in the district where significant events related to the claim took place.

[David v. Signal Intern., LLC, 588 F.Supp.2d 718 \(E.D. La. 2008\)](#)

### **U.S. District Court — Eastern District of Louisiana**

#### **Extract**

The RICO statutory scheme is aimed at combating organized crime—RICO is located in Title 18 of the criminal code—and the Act imposes criminal and civil liability upon those who engage in certain 'prohibited activities' which are listed in 18 U.S.C. § 1962(a) through (c). Each prohibited activity includes, as one necessary element, proof either of 'a pattern of racketeering activity' or of 'collection of an unlawful debt.' Regardless of which subsection the plaintiff relies upon, all RICO claims under § 1962 have three common elements: (1) a person who engages in (2) a pattern of

racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise... As explained above, RICO has a special nationwide service of process provision. The relevant inquiry is whether the Dewan defendants have had minimum contacts with the United States... The Dewan Defendants played a crucial role in recruiting the plaintiffs for employment in this country. Much of the injury claimed by the plaintiffs was sustained in this country while they worked at Signal's facilities.

## **Summary**

Elements required for a RICO claim, emphasizing the need for a pattern of racketeering activity and the connection to an enterprise. It also highlights the nationwide service of process provision under RICO, which is relevant for establishing jurisdiction when defendants have minimum contacts with the United States. This supports the proposition by illustrating how RICO's provisions can be applied to cases involving interstate activities and establishing jurisdiction and venue in federal courts.

### [Dooley v. United Technologies Corp., 786 F.Supp. 65 \(D. D.C. 1992\)](#)

#### **U.S. District Court — District of Columbia**

#### **Extract**

Plaintiff Dooley raises several grounds which he argues give the Court personal jurisdiction over the defendants. The Court finds two alternative bases on which to exercise personal jurisdiction over the defendants in this case. First, the Court finds that RICO provides for nationwide service of process under section 1965(d)... The Court also finds that venue is proper as to the plaintiff's non-RICO claims under the Court's pendent venue authority. All of the plaintiff's claims arise 'out of a common nucleus of operative fact.'... Consequently, the Court concludes that under Title 28, United States Code, section 1391(b) and the pendent venue doctrine, venue is proper as to the entire complaint.

## **Summary**

Court's ability to exercise personal jurisdiction over defendants in a RICO case through nationwide service of process under section 1965(d). It also addresses the proper venue for RICO and related claims under section 1391(b) and the pendent venue doctrine, which allows for venue when claims arise from a common nucleus of operative fact. This supports the proposition that federal courts have jurisdiction over RICO claims and that venue is proper where substantial events related to the claim occurred.

### [28 U.S.C. § 1391 28 U.S.C. § 1391 Venue Generally](#)

## **Extract**

A civil action may be brought in- a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;

## **Summary**

The passage from 28 U.S.C. § 1391(b) clearly states that a civil action may be brought in a judicial district where a substantial part of the events or omissions giving rise to the claim occurred. This directly supports the proposition that venue is proper in the Western District of Oklahoma if a substantial part of the events related to the alleged racketeering activities took place there. The context of the passage is a general provision for determining venue in federal civil cases, making it broadly applicable to the situation described in the proposition.

### [28 U.S.C. § 1331](#) [28 U.S.C. § 1331](#) Federal Question

## **Extract**

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

## **Summary**

28 U.S.C. § 1331 provides federal district courts with original jurisdiction over civil actions that arise under the Constitution, laws, or treaties of the United States. This includes RICO claims, which are federal law claims. Therefore, the passage supports the proposition that federal courts have jurisdiction over RICO claims.

### [18 U.S.C. § 1964](#) [18 U.S.C. § 1964](#) Civil Remedies

## **Extract**

The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders... Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

## **Summary**

The passage from 18 U.S.C. § 1964(c) establishes that U.S. district courts have jurisdiction over RICO claims, allowing individuals injured by violations

of section 1962 to sue in federal court. This supports the proposition that federal courts have jurisdiction over RICO claims. The passage also implies that venue is proper in any appropriate U.S. district court, which aligns with the proposition that venue is proper where a substantial part of the events occurred.

### [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) highlights that it is unlawful for any person to engage in racketeering activities that affect interstate or foreign commerce. This directly supports the proposition that federal jurisdiction is appropriate for RICO claims involving activities across state lines, such as those alleged to have occurred between Texas and Oklahoma. The mention of activities affecting interstate commerce aligns with the requirement for federal jurisdiction under RICO, as it demonstrates the interstate nature of the alleged racketeering activities.

### [18 U.S.C. § 1965](#) [18 U.S.C. § 1965 Venue and Process](#)

#### **Extract**

Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

#### **Summary**

Legal basis for asserting jurisdiction and venue in federal court for RICO claims, especially when activities span multiple states.

### [18 U.S.C. § 3237](#) [18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another](#)

#### **Extract**

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in

another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.

## **Summary**

The passage from 18 U.S.C. § 3237 provides that offenses that begin in one district and are completed in another, or that occur in multiple districts, can be prosecuted in any of those districts. This is particularly relevant for offenses involving interstate commerce, such as racketeering activities that cross state lines. The passage supports the proposition by establishing that federal jurisdiction and venue are appropriate in cases where the alleged activities span multiple districts, as is the case with the alleged racketeering activities occurring across Texas and Oklahoma.

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

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

## **Extract**

RICO creates a private cause of action under 18 U.S.C. § 1964(c). To state a civil RICO claim, a plaintiff must allege (1) two or more predicate racketeering offenses, (2) the existence of an enterprise affecting interstate commerce, (3) a connection between the racketeering offenses, and (4) an injury by reason of the above.

## **Summary**

The passage outlines the necessary elements to establish a civil RICO claim, including the requirement that the enterprise affects interstate commerce. This supports the proposition by highlighting the interstate nature of the alleged racketeering activities, which is crucial for establishing federal jurisdiction and venue.

### [RICO: A Primer](#)

## **Extract**

Under Section 1962(a), it is violation to invest the proceeds of racketeering activity in an enterprise that affects interstate commerce... Under section 1962(b), it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering

activity... Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity... Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses.

## **Summary**

Requirements for establishing a RICO violation, emphasizing the necessity of an enterprise affecting interstate commerce. This supports the proposition that federal jurisdiction is appropriate for RICO claims involving interstate activities, such as those alleged to occur between Texas and Oklahoma. The passage also highlights the broad applicability of RICO to enterprises affecting interstate commerce, which aligns with the proposition's assertion of federal jurisdiction and venue based on interstate activities and events occurring in the Western District of Oklahoma.

### RICO: A Primer

## **Extract**

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' ... 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. ... Section 1962(b) ... Under section 1962(b), it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of an unlawful debt. ... The enterprise engaged in, or its activities affected, interstate or foreign commerce; ... Section 1962(c) ... Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt.

## **Summary**

The passage explains that RICO provides for civil actions against individuals engaged in a pattern of racketeering activity, which can include activities affecting interstate commerce. The broad interpretation of "enterprise" and the requirement that the enterprise's activities affect interstate commerce support the proposition that federal jurisdiction is appropriate when racketeering activities cross state lines. The mention of interstate commerce aligns with the proposition's assertion of jurisdiction based on activities occurring across state lines (Texas and Oklahoma).