

# Question

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CHARLES DUSTIN MYERS, Plaintiff, v. DANIEL KENNETH BRANTHOOVER & MORGAN MICHELLE MYERS Defendants § § § § Civil No.: 5:24-cv-01311 § § § § FIRST AMENDED COMPLAINT Plaintiff Charles Dustin Myers, representing himself pro-se and proceeding in forma pauperis respectfully files this First Amended Complaint against Daniel Kenneth Branthoover and Morgan Michelle Myers. The original complaint filed on December 16, 2024, is respectfully amended to incorporate Morgan Michelle Myers as an additional defendant and Plaintiff has provided this Court with the necessary materials to effectuate service prior to the July 11 deadline, as extended by this court pursuant to its' recent order issued on June 11, 2025. In support of this amended complaint, Plaintiff alleges the following: I. JURISDICTION AND VENUE 1. This Honorable Court possesses subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as Plaintiff's claims arise under the laws of the United States, specifically the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c) and § 1964(d), which explicitly grants federal courts jurisdiction over civil RICO actions. Further, jurisdiction is established under 18 U.S.C. § 1965, which provides for nationwide service of process and jurisdiction in RICO actions, thereby ensuring that all Defendants, regardless of their physical location within the United States, are subject to the jurisdiction of this Court. 2. Venue is proper in the United States District Court for the Western District of Oklahoma pursuant to 18 U.S.C. § 1965(a) and 28 U.S.C. § 1391(b). A substantial part of the events or omissions giving rise to the claims asserted herein occurred within this District. 3. Additionally, "any person injured in his business or property by reason of a violation of section 1962...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..." 18 U.S.C § 1964. Plaintiff alleges to have a direct and ongoing injury to his business and property as a result from the alleged predicate acts herein. II. PARTIES A. Identification 4. Plaintiff Charles Dustin Myers, referred to herein as "Plaintiff", is a natural person and a resident of the State of Texas and is legally domiciled in Tarrant County. 5. Defendant Daniel Kenneth Branthoover, referred to herein as "Branthoover", is a natural person and a resident of the state of Oklahoma and is domiciled in Canadian County. 6. Defendant Morgan Michelle Myers, referred to herein as "Myers", is a natural person, and a resident of the State of Texas and is legally domiciled in Tarrant County. 7. Collectively, Branthoover and Myers are referred to herein as "the Defendants". B. Representation 8. Plaintiff is representing himself in this matter. 9. Myers is believed to be self-represented at this time. 9. Branthoover is believed to be self-represented at this time. C. Settlement 10. Plaintiff has extended settlement offers to both Defendants and has received no response. III. PRELIMINARY STATEMENT 11. At the heart of this litigation lies a deliberate and orchestrated scheme by Defendant Morgan Michelle Myers, who, instead of accepting accountability for her extramarital affair, strategically chose to displace Plaintiff from his home and destabilize his financial and familial security. Myers meticulously

executed a calculated plan involving interstate travel, fraudulent affidavits, deliberate perjury, asset diversion, and systematic manipulation of multiple Texas state courts to escape accountability for her actions. 12. To carry out this scheme, Myers enlisted the assistance of Daniel Kenneth Branthoover, a resident of Yukon Oklahoma, who has a prior history regarding violations of protective orders and tampering with government documents. For no other reason than to escape accountability for her affair, Myers spun an elaborate web of lies and weaponized her family and court procedures designed to help victims of abuse. 13. What emerges from the evidence is not a domestic dispute gone awry, but a textbook criminal enterprise created within this Court's Jurisdiction. This is the story of how a person corruptly influenced the very courts designed to protect families—transforming them into instruments of fraud, extortion, and systematic theft. It is a tale of how two individuals, connected by a common goal, orchestrated a seventeen-month reign of terror that began in Oklahoma and was carried out in the Texas courts. 14. The Defendants did not merely lie to courts—they constructed an elaborate criminal enterprise with defined roles, coordinated operations, and a singular mission: to strip Plaintiff of everything he held dear through the systematic corruption of judicial proceedings. They did not simply steal money—they laundered it across state lines while simultaneously preparing false indigency claims. They did not just fabricate allegations—they manufactured an entire false narrative of domestic violence, complete with non-existent protective orders and imaginary threats, all while the supposed "victim" continued to share a bed with her alleged "abuser." 15. This case exposes the dark underbelly of how the family court system can be perverted by those willing to commit federal crimes to achieve their goals. It reveals how easily the sacred trust placed in sworn affidavits can be shattered by defendants who view perjury not as a crime, but as a tool. Most importantly, it demonstrates that when domestic relations become the vehicle for interstate racketeering, federal intervention is not just appropriate—it is essential. 16. The evidence will show that Defendants Myers and Branthoover operated their criminal enterprise with the precision of seasoned criminals thanks to Branthoover's history involving protective order violations and government document tampering. 17. This is not a story about a marriage that failed. This is simply the product of a litigant who values her extramarital relationships over morality, and who chose to weaponize her family against Plaintiff for the sole purpose of escaping accountability. 18. Through hundreds of hours of research, and through his zealous advocacy in state courts, Plaintiff now turns to establish that the Defendants in this matter engaged in the prohibited conduct of an enterprise through a pattern of racketeering activity, and seeks relief to prevent the enterprise from reaching its' ultimate goal: finalization. Against all odds, and in support of this preliminary statement, Plaintiff alleges the following: IV. FACTUAL ALLEGATIONS A. Enterprise Formation and Initial Criminal Coordination (December 14-15, 2023) 19. Defendant Branthoover possesses extensive knowledge of protective order procedures and requirements due to his prior criminal convictions involving violations of such orders. See Exhibit 1. This knowledge would prove instrumental in the enterprise's systematic manipulation of protective order proceedings. 20. On December 14, 2023, immediately following Plaintiff's discovery of Defendant Myers' extramarital affair, Myers initiated the criminal enterprise by taking two coordinated actions: first, she opened a private bank account in her sole

name to facilitate asset concealment; and second, she commenced intensive interstate communications with Defendant Branthoover via text messaging. The scope and intensity of these communications—totaling 92 text messages exchanged between Branthoover's registered number 940-312-3434 and Myers' registered number 817-235-5189 on this single day—demonstrates the deliberate and coordinated nature of their criminal planning. See Exhibit 2. 21. Concurrently with these interstate communications, and without any legitimate cause or factual basis, Defendant Myers attempted to obtain an ex-parte protective order against Plaintiff. This attempt, made while actively coordinating with Branthoover, represents the enterprise's first overt act designed to manipulate judicial proceedings through false allegations. See Exhibit 3. 22. In a calculated effort to maintain operational security and prevent Plaintiff from discovering the criminal scheme, Myers engaged in deliberate deception that same evening. Despite having just sought emergency protection from Plaintiff hours earlier, she casually reminded him of their child's school field trip scheduled for the following day, thereby creating a facade of normalcy designed to conceal her fraudulent intentions and prevent suspicion of the enterprise's activities. See Exhibit 4. B. Interstate Criminal Coordination and Financial Crimes (December 15-16, 2023) 23. On December 15, 2023, at precisely 9:51 A.M. CST, Defendant Branthoover contacted Plaintiff directly, employing calculated deception by stating, "I've been where you are before. I want to help both of you." This communication, referencing Myers' December 1, 2023 divorce announcement, was designed to establish false pretenses for Myers' planned interstate travel to Oklahoma for criminal coordination purposes. See Exhibit 5. 24. During this deceptive phone conversation, Branthoover established the operational framework for the next phase of the criminal scheme by arranging for Myers to visit his Oklahoma residence over the weekend of December 15, 2023. The stated purpose—"providing space" to Myers—was a deliberate misrepresentation designed to conceal the true criminal purpose of coordinating fraudulent document preparation and enterprise operations. 25. The effectiveness of this deception is evidenced by Plaintiff's complete lack of knowledge regarding the previous day's ex-parte protective order attempt. Having no reason to suspect Branthoover's dishonest intentions, Plaintiff unwittingly facilitated the enterprise's criminal coordination by agreeing to Myers' travel to Oklahoma. 26. Immediately following Branthoover's deceptive phone call, the enterprise executed its first major financial crime. Plaintiff received notification that Myers had transferred \$1,576 from the parties' joint marital PNC account to Branthoover's PayPal account (username "dmb575"), completely depleting the account balance. This interstate wire transfer represents a critical predicate act, utilizing interstate commerce to further the criminal scheme while simultaneously depriving Plaintiff of operating funds necessary for his legitimate business operations. 27. The immediate and devastating impact of this financial crime became apparent on December 16, 2023, when Plaintiff received notification that the joint marital PNC account was overdrawn by \$800.00. Concurrently, Plaintiff discovered that advertisements for his legitimate home-based business had ceased running due to payment failure directly caused by the enterprise's theft of operating funds. This demonstrates the enterprise's deliberate intent to cause maximum financial harm to Plaintiff. 28. The criminal nature of this financial transaction is conclusively established by documentary evidence. The PNC bank statement

for December 2023 provides irrefutable proof of the unauthorized withdrawal, documenting the precise date, amount, and destination of the fraudulent transfer. 29. The direct connection between Defendant Branthoover and this financial crime is established through multiple forms of evidence. The PayPal identifier "dmb575" appearing on Plaintiff's bank statement directly corresponds to Branthoover's PayPal account, creating an unbreakable evidentiary chain linking him to the illicit financial transaction, corroborated by his own admissions in subsequent text communications. 30. On December 16, 2023, at precisely 3:54 P.M. CST, Plaintiff made a good-faith attempt to resolve the situation amicably by sending a detailed text message to Defendant Branthoover. This communication explicitly requested the return of the fraudulently transferred \$1,576, detailed the intended legitimate use of these funds, described the financial hardship caused by the theft (including late bills and business disruption), explained Plaintiff's inability to work due to the severe emotional distress caused by Defendants' criminal actions, and expressed his sincere desire for an amicable resolution during the holiday season. 31. Defendant Branthoover's response to this reasonable request revealed the true criminal nature of the enterprise. In a callous and dismissive reply, Branthoover stated, "You Are Getting Divorced..." followed by, "I hope I can help with the paperwork and make things go as smoothly as possible." Far from the helpful assistance initially promised, this communication constituted a direct threat and overt act in furtherance of the criminal conspiracy, demonstrating Branthoover's intent to exploit Plaintiff's financial distress for the enterprise's benefit while utilizing interstate communications to further the scheme. 32. This communication also establishes Branthoover's unauthorized practice of law across state lines. At no time relevant to this litigation has Defendant Branthoover possessed a license to practice law in any jurisdiction within the United States. His statements regarding "paperwork" and making legal proceedings "go as smoothly as possible" constitute clear evidence of unauthorized legal practice and demonstrate his administrative role in directing the enterprise's criminal activities. C. Coordinated Eviction Fraud and Interstate Document Transportation (December 17, 2023) 33. On December 17, 2023, at approximately 11:00 A.M., Plaintiff was served with an eviction notice by the grandmother of Myers, who is also the landlord of the matrimonial residence, which contained the following false information: i. A purported "lease violation," which was entirely fabricated as no valid lease agreement existed between Plaintiff and Wilson; ii. The assertion that "Granddaughter getting divorced," referring to Defendant Myers, as a basis for eviction; iii. The false claim that a "Protective order has been filed." iv. The directive that "He must leave. She and the girls may stay," demonstrating the clear intent to dispossess Plaintiff for the benefit of Myers. 34. The coordinated and premeditated nature of this eviction fraud is established by the timing of its execution. At the precise moment this fraudulent notice was being served in Texas, Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the preparation of the very fraudulent court documents referenced in the eviction notice. This simultaneous coordination across state lines demonstrates the sophisticated and deliberate nature of the criminal enterprise's operations. 35. Myers' knowledge of the fraudulent nature of these proceedings is conclusively established. She possessed actual knowledge that no valid lease agreement existed between Plaintiff

and the landlord, and she had actual knowledge that neither divorce proceedings nor protective orders had been filed at the time of service, making her participation in the eviction fraud a knowing and willful criminal act. 36. On December 17, 2023, Defendant Myers completed the interstate transportation phase of the criminal scheme by transporting the fraudulent court documents prepared in Oklahoma back across state lines to Texas. These documents, including the Original Petition for Divorce and Affidavit of Indigency, were specifically prepared with the intent of submitting them to Texas state courts to further the enterprise's fraudulent manipulation of judicial proceedings. 37. Upon her return to Texas, Myers demonstrated her control over the eviction fraud by personally destroying the fraudulent eviction notice. She physically tore the notice in half and wrote "VOID" on it in black marker, providing clear evidence of her influence over and coordination of the fraudulent eviction attempt orchestrated during her absence in Oklahoma. D. Operational Security and Document Preparation (December 17-18, 2023) 38. As part of the enterprise's operational security measures, Defendant Myers returned from Oklahoma equipped with a canister of pepper spray, designed to support the false narrative of domestic violence that would be central to the fraudulent court documents prepared during her Oklahoma visit. 39. During her Oklahoma visit, Defendant Myers acquired a secondary phone number (817-940-0852) as a deliberate operational security measure. This acquisition, which she explicitly disclosed to Plaintiff, constituted an overt act in furtherance of the criminal enterprise, designed to facilitate clandestine communications related to the fraudulent scheme while concealing the enterprise's ongoing criminal coordination from detection. 40. This newly acquired secondary phone number became an integral component of the fraudulent court documents prepared under Defendant Branthoover's direct administrative oversight. The systematic use of this number across multiple fraudulent legal documents demonstrates the coordinated nature of the enterprise's document preparation activities. These documents, prepared in Oklahoma with the specific intent of unlawfully influencing Texas legal proceedings, included: i. An "Original Petition for Divorce" dated December 18, 2023, containing numerous material false statements designed to deceive the Texas courts; ii. An "Affidavit of Indigency" dated December 18, 2023, containing deliberate misrepresentations regarding Myers' financial status to defraud the court of legitimate filing fees; iii. A "Request for Uncontested Cases" dated December 18, 2023, fraudulently filed despite the complete absence of any communication between the parties regarding divorce proceedings; iv. An "Application for Protective Order" dated December 22, 2023, containing entirely fabricated allegations of family violence. E. Unauthorized Practice of Law and Intimidation (December 18, 2023) 42. 41. Following the filing of the initial fraudulent divorce documents on December 18, 2023, Defendant Branthoover escalated his unauthorized practice of law by sending Plaintiff a text message asserting legal representation and attempting to control all future communications. The message stated: "Charlie, it's come to my understanding you have retained an attorney. I'm sure he has told you that all further communication should take place between attorneys. I must formally ask you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney." This communication was a deliberate attempt to isolate Plaintiff from direct communication with Myers and to control the flow of

information, thereby hindering Plaintiff's ability to uncover the full extent of the fraudulent scheme. This communication also evidences that Branthoover's role went beyond helping Myers prepare the documents by seeing them through to their submission and asserting an administrative role over the proceedings to intimidate Plaintiff. F. Service Through Official Channels and Continued Deception (December 22-28, 2023) 42. In furtherance of the criminal scheme, and despite continuing to cohabitate with Plaintiff in the marital residence, Defendant Myers deliberately utilized official constable service to effectuate service of the fraudulent divorce petition and protective order application, which occurred on December 27, 2023. This calculated use of official legal processes to serve fraudulent documents while maintaining the deceptive facade of normalcy at home demonstrates the sophisticated and deliberate nature of the enterprise's operations. 43. The enterprise's manipulation of official legal processes continued when Myers, despite residing next door to Plaintiff, deliberately influenced and coordinated the constable service of the fraudulent eviction documents, which occurred on December 28, 2023. This systematic abuse of official legal processes while maintaining physical proximity and continued cohabitation reveals the calculated and deceptive nature of the enterprise's operations. G. Systematic False Statements in Sworn Court Documents (December 18, 2023) 44. When reviewing the documents prepared in part by Branthoover and filed with the court by Myers, there existed several false statements and were intended to deceive the court and prejudice Plaintiff in furtherance of the scheme to dispose him of his property interests. Specifically, these false statements included, but were not limited to: i. The assertion that the spouses had ceased living together on December 1, 2023, when in fact they were still residing together at the marital home on that date and for several weeks thereafter. ii. The claim that Defendant Myers owned both family vehicles as her separate property prior to the marriage, which was demonstrably false as these vehicles were acquired during the marriage and constituted community property, paid for by Plaintiff. iii. The representation that Defendant Myers had an active order of protection against Plaintiff with a judicial finding that family violence had occurred during the marriage, which was fabricated and without any basis in fact or law. iv. The assertion that the children or Defendant Myers would be subjected to harassment or abuse if Plaintiff were provided with her second phone number (817-940-0852) acquired in Oklahoma, which was a baseless and manipulative claim designed to conceal her communications related to the fraudulent scheme. 45. Concurrently with the fraudulent divorce petition, Defendant Myers, again with the administrative oversight and full knowledge of Defendant Branthoover, filed a fraudulent "Affidavit of Indigency" with the court. This affidavit contained material misrepresentations regarding Defendant Myers' financial status, all of which were known to be false at the time of filing and were intended to defraud the court and avoid legitimate court costs. Specifically, these false statements included: i. The claim that Defendant Myers was financially indigent and unable to pay court costs, despite her access to and control over substantial marital assets. ii. The representation that Defendant Myers was solely responsible for all family living expenses, including rent, utilities, food, and other living expenses, when in fact, Plaintiff was the primary breadwinner of the household at that time. iii. The assertion that Defendant Myers was solely responsible for both car payments, which she has no payment history

to support such a claim. H. Escalation Through Fabricated Violence Allegations (December 22, 2023) 46. On December 22, 2023, despite having claimed in her divorce petition to already possess an active protective order, Myers filed an "Application for Protective Order," revealing the contradictory and fabricated nature of her previous representations while escalating the enterprise's fraudulent manipulation of judicial proceedings. 47. Upon review, defendant Myers made additional false statements within the sworn document, all intended to further deceive the court and secure an unwarranted protective order against Plaintiff to effectuate the enterprises' goal of divesting him of his property interests. These false statements included, but were not limited to: i. The claim that family violence occurred on December 18, 2023, in the presence of the children, which was entirely false and fabricated. ii. The assertion that family violence occurred prior to December 18, 2023, which was also false and without any factual basis. iii. The request that Plaintiff take a battering intervention program. I. Achievement of Primary Criminal Objective (January 16, 2024) 48. The enterprise's coordinated criminal activities achieved their primary objective through the systematic deception of the Texas court system. The common purpose underlying all fraudulent documents and criminal acts—executed through Branthoover's administrative coordination and Myers' on-ground implementation—encompassed multiple interconnected goals: unlawfully removing Plaintiff from his residence (essential for his livelihood and the family's financial stability), gaining an illicit advantage in divorce proceedings through fraudulent representations, and ultimately securing a divorce decree on terms unilaterally favorable to Myers, thereby making the unlawful deprivation of Plaintiff's rights and property permanent while enabling the enterprise to escape accountability for their criminal conduct. 49. On January 16, 2024, the enterprise's criminal scheme achieved its primary objective when Plaintiff appeared before the 322nd District Court of Tarrant County and was ordered to vacate the family residence. Significantly, this order was entered without any evidentiary hearing and without judicial findings regarding the allegations contained in the fraudulent documents, demonstrating that the court's decision was based entirely on the false information systematically presented by the enterprise. 50. The causal relationship between the enterprise's fraudulent representations and this judicial outcome is conclusively established. The misinformation presented to the court through the coordinated fraudulent documents was the sole basis for the court's decision, providing Myers with the exact advantage that she and Branthoover had anticipated and planned through their criminal coordination. J. Ongoing Pattern of Racketeering Activity and Continuity (January 2024 - Present) 51. Between January 16, 2024, and the present day, Defendants Myers and Branthoover have continued to further their racketeering activity through a series of ongoing illicit acts, demonstrating a clear pattern of continuity and relatedness. These acts include, but are not limited to: i. Myers and Branthoover continuing to engage in illicit communications regarding case details between one another across state lines, specifically between Texas and Oklahoma, in direct furtherance of their fraudulent scheme to see the divorce through to its' finalization. ii. Branthoover delivering ongoing threats and intimidation to Plaintiff regarding his legitimate attempts to seek legal relief from the orders that were a product of the Defendants' actions, which occurred in December of 2023, June of 2024, December of

2024, and May of 2025. iii. Making direct statements such as "I've been enjoying watching every filing get denied" by Branthoover, showing the malicious intent behind his involvement as Plaintiff sought relief for their coordinated actions. 52. On June 23, 2024, Defendant Branthoover continued his pattern of harassment and intimidation by sending Plaintiff a text message stating, "Lol. And here comes another denial," in direct reference to Plaintiff's court filing seeking to enjoin Branthoover as a party to the divorce proceedings. This communication provides conclusive evidence of Branthoover's continued awareness of and active involvement in the Texas legal proceedings, his ongoing monitoring of court filings, and his malicious intent to mock and intimidate Plaintiff's efforts to seek justice through legitimate legal channels. 53. On December 12, 2024, Branthoover escalated his threatening communications by sending Plaintiff a message stating, "When things all over you get to deal with me. Just a heads up," demonstrating the enterprise's ongoing criminal intent and explicit threats of future retaliation against Plaintiff for his efforts to expose and seek relief from their criminal activities. 54. Most recently, on May 24, 2025, Branthoover sent Plaintiff a message stating, "Where's my lawsuit? Heard your vm about me. File it. Let's do this :)" This communication demonstrates the enterprise's continued operation, Branthoover's ongoing monitoring of Plaintiff's activities, and his explicit challenge and threat regarding potential legal action, providing clear evidence of the enterprise's ongoing criminal intent and the continuing threat posed to Plaintiff. 55. As a direct result of the actions outlined above, Plaintiff has sustained substantial injury to his business and property. V. RICO FRAMEWORK AND PREDICATE ACTS 56. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 55 above, as if fully set forth herein. 57. The Racketeer Influenced and Corrupt Organizations Act (RICO) provides civil and criminal penalties for those who engage in a pattern of racketeering activity connected to an enterprise affecting interstate commerce. Under 18 U.S.C. § 1961, "racketeering activity" encompasses a broad range of criminal actions including "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1952 (relating to racketeering)." 58. To establish a RICO violation, a plaintiff must demonstrate: "(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." *Gil Ramirez Grp., L.L.C. v. Houston Indep. Sch. Dist.*, CIVIL ACTION 4:10-CV-04872 (S.D. Tex. Jul 31, 2017). The pattern of racketeering activity must include at least two predicate acts that are related and amount to or pose a threat of continued criminal activity. 59. Here, Defendants are alleged to have committed several predicate acts including multiple counts of wire fraud, violations of the Travelers Act, and perjury as part of a broader pattern of racketeering activity. 60. As explained in more detail below, the Racketeer Influenced and Corrupt Organizations Act (RICO) requires a "pattern of racketeering activity", which Plaintiff will plead with particularity the predicate acts committed by the Defendants, how they are related, and demonstrate continuity as required. V. INTRODUCTION TO RICO 61. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 60 above, as if fully set forth herein. 62. The Racketeer Influenced and Corrupt Organizations Act (RICO) requires proof of a "pattern of racketeering activity," which the Supreme Court has consistently held consists of two



essential elements: relatedness and continuity of predicate acts. Based on the provided facts and the applicable law, the Defendants' series of related acts spanning from December 2023 through May 2025 (approximately 18 months) satisfies both the relatedness requirement (as the acts share similar purposes, participants, and methods) and the continuity requirement (as they extend over a substantial period of time) necessary to establish a pattern of racketeering activity under RICO. 63. The defendants' conduct falls squarely within the 10th Circuit's interpretation of RICO's pattern requirement. The predicate acts of wire fraud, interstate travel, perjury, threats, and intimidation are all enumerated as "racketeering activities" under 18 U.S.C. § 1961, and they were committed in furtherance of the same criminal enterprise. This ongoing criminal activity over an extended period demonstrates "closed-ended continuity" as recognized by the Supreme Court and followed by federal courts nationwide, including the 10th Circuit. The defendants' pattern of racketeering activity clearly satisfies the statutory definition and judicial interpretations of what constitutes a RICO violation.

A. Statutory Framework 64. The Racketeer Influenced and Corrupt Organizations Act (RICO) provides the statutory framework for prosecuting organized criminal activities. The statute defines key terms and establishes the elements required to prove a RICO violation. 65. Under 18 U.S.C. § 1962, it is 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). 66. The term "racketeering activity" is defined in 18 U.S.C. § 1961 to include specific enumerated offenses, including "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)." 18 U.S.C. § 1961 (2025). 67. Crucially, the statute defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity." 18 U.S.C. § 1961 (2025). 68. Additionally, 18 U.S.C. § 1952 establishes penalties for interstate or foreign travel in aid of racketeering enterprises, which is relevant to the defendants' interstate travel in this case. 18 U.S.C. § 1952 (2025). B.

Supreme Court Interpretation of RICO's "Pattern" Requirement 69. While the statutory definition of "pattern of racketeering activity" requires at least two predicate acts within a ten-year period, the Supreme Court has clarified that merely proving two predicate acts is not sufficient to establish a pattern under RICO. In the landmark case of *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229 (1989), the Supreme Court established that a RICO pattern requires both "relatedness" and "continuity" of the predicate acts. 70. This interpretation has been consistently referenced and applied in subsequent cases. As explained in *Ellis v. Warner*, CASE NO. 15-10134-CIV-GOODMAN (S.D. Fla. Feb 16, 2017), "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, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). The pattern requirement has been reduced to a 'continuity plus relationship'

test." 71. The "continuity plus relationship" test has become the standard framework for analyzing whether a pattern of racketeering activity exists under RICO. This test requires proving both that the predicate acts are related to each other and that they demonstrate continuity or a threat of continuity. C. Relatedness Requirement 72. The relatedness element focuses on whether the predicate acts are connected to each other and to a common purpose. As articulated in *Chambers v. King Buick GMC, LLC*, 43 F. Supp. 3d 575 (D. Md. 2014), "The relationship criterion may be satisfied by showing that the criminal acts 'have the same or similar purposes, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated events.'" 73. Similarly, *Gross v. Waywell*, 628 F.Supp.2d 475 (S.D. N.Y. 2009) explains that "The relatedness test requires that the predicate acts relied upon 'share the same or similar purposes, results, participants, victims or methods, or otherwise are interrelated by distinguishing characteristics and are not isolated events.'" *H.J. Inc.*, 492 U.S. at 240, 109 S.Ct. 2893." The relatedness element ensures that RICO is applied to organized criminal activity rather than disconnected, sporadic offenses. D. Continuity Requirement 74. The continuity element can be established through either "closed-ended continuity" or "open-ended continuity." As stated in *Murphy v. Farmer*, 176 F.Supp.3d 1325 (N.D. Ga. 2016), "Continuity may be established in one of two ways. A plaintiff may prove closed-ended continuity by showing 'a closed period of repeated conduct,' or the plaintiff may prove open-ended continuity by showing 'past conduct that by its nature projects into the future with a threat of repetition.'" 75. Closed-ended continuity involves a series of related predicate acts over a substantial period of time. As noted in *Reynolds v. Condon*, 908 F.Supp. 1494 (N.D. W.Va. 1996), "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." 76. Open-ended continuity, on the other hand, involves a threat of continued criminal activity into the future. According to *WATER INTERN. NETWORK, USA, INC. v. East*, 892 F. Supp. 1477 (M.D. Fla. 1995), continuity encompasses both "a close-ended and open-ended concept. A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicate acts over a substantial period of time. Otherwise, it must be shown that the predicate acts establish a threat of long-term racketeering activity." The continuity requirement ensures that RICO is applied to ongoing patterns of criminal activity rather than isolated incidents. E. Defendants' Conduct as Predicate Acts Under RICO 77. The Defendants' conduct, as outlined above, includes wire fraud, interstate travel, perjury, threats, and intimidation from December 2023 through May 2025, all in furtherance of the same criminal enterprise with a common purpose. To determine whether this conduct constitutes a pattern of racketeering activity under RICO, it must be analyzed whether these acts qualify as predicate acts and whether they demonstrate both relatedness and continuity. 78. First, Plaintiff needs to establish whether the defendants' acts qualify as "racketeering activity" under 18 U.S.C. § 1961. According to this statute, "racketeering activity" includes "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)." 18 U.S.C. § 1961 (2025). VI.

PREDICATE ACT - WIRE FRAUD 79. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 74 above, as if fully set forth herein. 80. The facts establish all three elements of wire fraud under 18 U.S.C. § 1343—a scheme to defraud, use of interstate wire communications, and intent to deprive another of money or property—qualifying it as a RICO predicate act under 18 U.S.C. § 1961. 81. The relevant federal statutes in this analysis are 18 U.S.C. § 1343 (Wire Fraud) and 18 U.S.C. § 1961 (RICO Definitions). 82. Title 18 U.S.C. § 1343 states: "Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both." 83. Title 18 U.S.C. § 1961 defines "racketeering activity" to include "any act which is indictable under any of the following provisions of title 18, United States Code:... section 1343 (relating to wire fraud)...". This statutory provision explicitly establishes wire fraud as a predicate act for RICO violations. A. Scheme to Defraud 84. The first element of wire fraud under 18 U.S.C. § 1343 is the existence of "a scheme to defraud." As noted in *United States v. Greenberg*, 835 F.3d 295 (2nd Cir. 2016), this constitutes an "essential element" of the crime. In the present case, Myers transferred \$1,576 from a joint marital PNC account to Branthoover's PayPal account, depleting the account entirely. This transfer was not an isolated action but was accompanied by "a series of coordinated text messages and phone calls" between Myers and Branthoover regarding the scheme. 85. The coordination between the parties through multiple communications channels demonstrates a deliberate plan rather than a spontaneous or inadvertent action. As articulated in *Mail and Wire Fraud*, a "scheme to defraud requires a material falsehood, material misrepresentation, or the concealment of a material fact." By transferring funds from a joint marital account without apparent authorization from the joint account holder, Myers engaged in conduct that reflects the concealment of material facts regarding the disposition of marital assets. 86. The scheme in this case specifically targeted marital funds, which are legally considered shared property between spouses. By depleting the account, Myers intentionally deprived the Plaintiff of access to funds to which they were legally entitled. This satisfies the requirement that the scheme have "money or property as the object of the scheme" as stated in *Smulley v. Fed. Hous. Fin. Agency*, 17-2666 (2nd Cir. Oct 05, 2018). B. Use of Interstate Wire Communications 87. The second element of wire fraud requires the "use of the mails or wires to further the scheme." *United States v. Greenberg*, 835 F.3d 295 (2nd Cir. 2016). The facts demonstrate that Myers used interstate wire communications in two distinct ways: i. The transfer of \$1,576 was "executed via interstate wire (bank to PayPal)," which constitutes an electronic transmission across state lines. ii. The transfer "was accompanied by a series of coordinated text messages and phone calls between Myers (in Texas) and Branthoover (in Oklahoma) regarding the scheme." 88. Wire transmissions include interstate telephone calls or electronic transmissions. Furthermore, internet communications satisfy the interstate nexus requirement, even in the absence of proof that a fraudulent communication traveled through out-of-

state servers. 89. The interstate nature of these communications is established by the fact that Myers was in Texas while Branthoover was in Oklahoma during their communications about the scheme. This satisfies the jurisdictional requirement that the wire communication cross state lines. 90. Importantly, each of these communications—the bank transfer, text messages, and phone calls—constitutes a separate use of interstate wire communications. As noted in *Mail and Wire Fraud*: "Each use of the mail or wires constitutes a separate offense and therefore can be a separate count in an indictment." C. Intend to Defraud 91. The third element requires that the defendant acted "with the intent to defraud." As stated in *U.S. v. Blackmon*, 839 F.2d 900 (2nd Cir. 1988), the wire fraud statute requires that the defendant "be a party to some kind of scheme to defraud, a requirement that includes a high degree of scienter and moral culpability." 92. The facts indicate that Myers and Branthoover engaged in "a series of coordinated text messages and phone calls... regarding the scheme." This coordination demonstrates premeditation and planning, which supports a finding of intent to defraud. The fact that the transfer depleted the joint account entirely further suggests an intent to maximize the financial impact on the Plaintiff, depriving them of access to any funds from that account. 93. According to Theft offenses, wire fraud requires "that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money." The coordination between Myers and Branthoover through multiple communications channels demonstrates voluntary and intentional participation in the scheme. 94. Furthermore, Branthoover specifically stated that he wanted to help Plaintiff, which he knew was not a true statement at the time. The fact that text and phone communications were used to deceive Plaintiff into believing that Myers' interstate travel would be beneficial for him further supports a scheme to defraud, because the transfer of funds occurred after this false extension of help from Branthoover. D. Potential Defenses 95. One potential defense might be that Myers, as a joint account holder, had legal authority to transfer funds from the account. However, this authority does not necessarily extend to depleting the account for personal gain or in coordination with a third party with the intent to deprive the other account holder of their rightful access to the funds. The joint nature of the account creates a fiduciary duty to act in good faith regarding the shared asset. That fiduciary duty was willingly violated when Myers chose to transfer the funds to Branthoover's PayPal, and then later to herself. The appropriate method would have been for Myers to transfer the funds directly to herself, but she avoided this to conceal her bank account information in furtherance of a broader scheme. 96. The evidence supporting these elements includes the interstate transfer of funds, the coordination of the scheme through interstate communications, and the depletion of the joint account to the detriment of the Plaintiff. Each use of interstate wire communications—the bank transfer, text messages, and phone calls—constitutes a separate instance of wire fraud. 97. In summary, the facts presented establish all required elements of wire fraud under 18 U.S.C. § 1343, qualifying it as a predicate act for RICO purposes under 18 U.S.C. § 1961. VII. PREDICATE ACT – VIOLATION OF THE TRAVEL ACT 98. The Travel Act, codified at 18 U.S.C. § 1952, is a federal statute that criminalizes interstate travel undertaken with the intent to promote or carry on certain unlawful activities. According to the statute, 18 U.S.C. § 1952 states: "Whoever travels in interstate or foreign commerce or uses the mail

or any facility in interstate or foreign commerce, with intent to- ... otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- ... an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; ..." The statute is designed to target individuals who cross state lines with the intent to engage in or facilitate criminal activity. It was enacted as part of the federal government's efforts to combat organized crime by reaching criminal activities that might otherwise fall outside federal jurisdiction due to their local nature. By utilizing Congress's power to regulate interstate commerce, the Travel Act extends federal jurisdiction to criminal enterprises that operate across state lines.

A. Elements of a Travel Act Violation

99. As set forth by the act's plain language, the elements necessary to sustain a Travel Act conviction are (1) travel in interstate or foreign commerce or use of the mail or any facility in interstate or foreign commerce, (2) with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and (3) performance of or an attempt to perform an act of promotion, management, establishment, or carrying on of the enumerated unlawful activity.

100. Each of these elements must be proven beyond a reasonable doubt to establish a Travel Act violation:

i. Interstate Travel or Use of Interstate Facilities: The defendant must have either traveled across state lines or used facilities of interstate commerce (such as telephones, electronic communications, or mail).

ii. Intent to Promote Unlawful Activity: The defendant must have undertaken this interstate travel or used interstate facilities with the specific intent to promote, manage, establish, carry on, or facilitate one of the unlawful activities enumerated in the statute. These unlawful activities include various state and federal crimes such as gambling, liquor offenses, narcotics, prostitution, extortion, bribery, arson, and importantly for this case, fraud.

iii. Subsequent Acts: After the interstate travel or use of interstate facilities, the defendant must have performed or attempted to perform acts that promote, manage, establish, or carry on the unlawful activity.

B. Interstate Travel

101. The first element of a Travel Act violation requires travel in interstate commerce or the use of facilities in interstate commerce. According to the facts provided, Myers traveled from Texas to Oklahoma on December 15, 2023, and then transported the fraudulent documents back to Texas on December 17, 2023. This clearly establishes interstate travel, as Myers physically crossed state lines from Texas to Oklahoma and then returned to Texas. The interstate commerce requirement is therefore satisfied.

C. Intent to Promote Unlawful Activity

102. The second element requires that the interstate travel was undertaken with the intent to promote, manage, establish, carry on, or facilitate an unlawful activity. Here, the facts state that Myers traveled to Oklahoma "for the purpose of preparing fraudulent court documents and coordinating the criminal scheme."

103. Fraud is specifically encompassed within the "unlawful activity" contemplated by the Travel Act, as 18 U.S.C. § 1952 prohibits interstate travel with the intent to promote "any unlawful activity, including fraud or extortion." The explicit purpose of Myers' travel—to prepare fraudulent court documents—demonstrates her intent to promote and facilitate fraud, which is an unlawful activity under the statute.

104. The intent requirement is clearly satisfied, as the purpose of Myers' interstate

travel was explicitly to prepare fraudulent documents with the assistance of Branthoover—a direct promotion of fraudulent activity. This is not a case where the connection between the travel and the unlawful activity is tenuous or where the unlawful activity was merely incidental to the travel. Rather, the preparation of fraudulent court documents was the very reason for the interstate journey. D. Subsequent Acts in Furtherance of the Unlawful Activity 105. The third element requires that, following the interstate travel, the defendant performed or attempted to perform acts to promote, manage, establish, or carry on the unlawful activity. In this case, after returning to Texas, Myers "transported the fraudulent documents back to Texas for use in judicial proceedings" and there were "subsequent acts (filing and using those documents)." 106. These actions—transporting the fraudulent documents across state lines, filing them, and using them in judicial proceedings—constitute clear performance of acts in furtherance of the fraudulent scheme. The fraudulent documents were not merely prepared and then abandoned; rather, they were actively transported and subsequently used in judicial proceedings, demonstrating Myers' continued efforts to carry out the fraudulent scheme after her interstate travel, which Branthoover also participated in. 107. The sequence of events—interstate travel followed by acts in furtherance of fraud—aligns perfectly with the structure of the Travel Act, which prohibits interstate travel with criminal intent followed by actions that further the criminal activity. E. Potential Defenses 108. Defendants may argue that the intent element has not been properly satisfied, however, texts later sent by Branthoover to Plaintiff clearly demonstrate a malicious intent. For example, the text sent on June 2023 which stated "I've enjoyed watching every filing get denied" defeats this argument. 109. Defendants might also attempt to argue that the acts performed after interstate travel were insufficient to satisfy the "subsequent acts" requirement. However, given that Myers not only transported the fraudulent documents back to Texas but also used them in judicial proceedings, this element appears to be clearly satisfied. The filing and use of the documents in judicial proceedings constitute direct acts in furtherance of the fraudulent scheme. As far as Branthoover, his role in the enterprise extended beyond the mere assistance of preparing the fraudulent documents. After they were filed, he continued to hold himself out to be an administrative agent of Myers, and send numerous threatening texts throughout the past seventeen months. 110. In summary, given that Myers' conduct establishes a clear Travel Act violation, this violation can properly serve as a predicate act for purposes of establishing a pattern of racketeering activity under RICO. The deliberate nature of her actions—traveling interstate specifically to prepare fraudulent court documents—and the subsequent use of those documents in judicial proceedings demonstrate a level of planning and execution that aligns with the types of criminal activity that both the Travel Act and RICO were designed to combat. VIII. PREDICATE ACT – PERJURY 111. It's important to note that the Racketeer Influenced and Corrupt Organizations Act (RICO) does not explicitly list perjury as a predicate act under 18 U.S.C. § 1961(1). However, courts have recognized that perjury can serve as a RICO predicate when it is part of a broader pattern of racketeering activity, particularly when connected to fraud schemes that qualify as RICO predicates. A. Authority on Perjury as a Predicate Act 112. The case of *United States v. Eisen*, 974 F.2d 246 (2d Cir. 1992) addressed this issue directly, stating that "where, as here, a

fraudulent scheme falls within the scope of the federal mail fraud statute and the other elements of RICO are established, use of the mail fraud offense as a RICO predicate act cannot be suspended simply because perjury is part of the means for perpetrating the fraud." This means that while perjury alone might not be a RICO predicate, when it is part of a broader fraudulent scheme that qualifies as a RICO predicate (such as mail fraud or wire fraud), the perjurious acts can be included in the RICO violation. 113. Similarly, *ASI, Inc. v. Aquawood, LLC*, Civil No. 19-763 (JRT/HB) (D. Minn. Oct 05, 2020) confirms that "although perjury alone is not a predicate act under RICO, courts have found that false litigation documents can support a mail/wire fraud RICO claim." The court further found that "submission of false litigation documents, in conjunction with a broader RICO scheme, can be a predicate act." In this case, that is exactly the conduct at issue. 114. More explicitly, *C & W Constr. Co. v. Brotherhood of Carpenters and Joiners, Local 745*, 687 F.Supp. 1453 (D.Haw.1988) stated that "the more reasoned rule would allow perjury to be a predicate act under 18 U.S.C. § 1962(1), through 18 U.S.C. § 1503, where the plaintiffs allege that the perjury was part of the pattern of racketeering." 115. The case of *Florida Evergreen Foliage v. Ei Du Pont De Nemours*, 135 F.Supp.2d 1271 (S.D. Fla. 2001) further supports this view, noting that "defendants have not been able to direct the Court to any federal cases specifically holding that litigation conduct by a litigating party in a prior case is entitled to absolute immunity and may not form the basis of a subsequent federal civil RICO claim." The court was persuaded that perjury could be a predicate act under RICO "where the plaintiffs allege that the perjury was part of the pattern of racketeering." 116. Furthermore, *United States v. Hansmeier*, Case No. 0:16-cr-00334-JNE-KMM (D. Minn. Jul 24, 2017) explicitly rejected the notion that civil litigation conduct cannot form the basis of criminal charges, stating that "federal law criminalizes any number of actions that are conducted in relation to litigation, including most obviously committing or suborning perjury." The court cited multiple cases affirming mail fraud charges based on conduct in civil lawsuits, establishing that perjury in litigation can be part of a broader fraudulent scheme that constitutes a RICO predicate. B. Myers' Actions as Perjury Under 18 U.S.C. § 1621 and § 1623 117. First, Myers made several statements under oath in a judicial proceeding, satisfying the first element of perjury under both statutes. 118. Second, several statements were made with knowledge of their falsities, including: i. Myers intentionally lied about her financial status and knowingly falsified her financial obligations in her Affidavit of Indigency. ii. Myers intentionally lied about the existence of an active order of protection that she knew did not exist. iii. Myers intentionally lied about cohabitation with the Plaintiff when she stated that the couples stopped living together as spouses on December 1, 2023, when she continued to cohabitate up until his unlawful removal caused by her false statements. Picture evidence establishes this and there is no defense to these false statements. iv. Myers intentionally lied about her separate property when she claimed both vehicles that Plaintiff pays for were her separate property prior to the marriage, which is a blatant misrepresentation as one of the vehicles was leased in 2022, and the other was financed in 2020, five years after the marriage took place. v. Myers intentionally fabricated multiple claims of family violence occurring, yet has no evidence to support these claims. These claims satisfy the second element of perjury, materiality. These statements were material to the

court's determination of the legitimacy of financial transactions and the authenticity of court documents, satisfying the this requirement under both statutes. 119. Third, Myers' perjurious statements were made knowingly and intentionally, as evidenced by her coordination with Branthoover and concealment of bank account information. This satisfies the willful intent requirement, which the Supreme Court has defined as "false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory." *In re Alvarado*, 26 I&N Dec. 895 (citing *Dunnigan*, 507 U.S. at 94). 120. One minor mistake by Myers would have defeated the intent argument. However, because several misrepresentations were made across several pleadings with the intent to have Plaintiff removed from his home, and the fact that these documents were specifically prepared in part by Branthoover, it highlights not only a broader scheme, but shows malicious intent especially when paired with the threatening text messages. C. The Perjurious Statements Were Part of a Broader Scheme to Defraud 121. In Myers' case, her perjurious statements were made as part of a broader fraudulent scheme, as explained above, that involved: i. Financial transactions (transferring \$1,576 from a joint marital account to Branthoover's PayPal account) ii. Interstate travel for the purpose of preparing fraudulent court documents iii. Preparation and filing of fraudulent court documents iv. Concealment of financial information 122. This pattern of activity is part of a broader, coordinated scheme with Branthoover to defraud the court and were designed to remove Plaintiff from his residence. Because this perjury occurred within a scheme that involved enumerated predicate acts, including wire fraud and the Travel Act, Myers' perjury can be included as part of the pattern of racketeering activity required for this RICO claim. 123. In summary, the specificity of Myers' false statements, the context in which they were made, and the supporting documentary evidence (bank records, PayPal records, text messages, phone records) provide strong support for both perjury prosecution under federal law and inclusion in a RICO claim as part of a broader pattern of racketeering activity. XI. PATTERN OF RACKETEERING ACTIVITY A. The Defendants' Activities Satisfy the "Relatedness" Requirement 124. The enumerated facts above clearly demonstrate that the predicate acts committed by Defendants Myers and Branthoover are related under the standard established in *H.J. Inc.* The alleged predicate acts share multiple elements of relatedness: i. Same Purpose: All of the acts were committed with the purpose of "unlawfully depriving Plaintiff of property and rights." As noted in *RICO: A Primer* (2022), acts that "further[] the goals of or benefitted the enterprise" can establish relatedness. Here, the coordinated scheme to manipulate judicial proceedings demonstrates a common purpose. ii. Same Participants: The acts all involve the same defendants, Myers and Branthoover. Similar participants is one factor that can establish relatedness. iii. Same Victim: All of the acts target the same victim, the Plaintiff. The consistent targeting of a single victim further supports the relatedness of the acts. iv. Similar Methods: The defendants employed similar methods across their activities, including fraudulent court filings, wire fraud, interstate travel and communications in furtherance of the scheme, and intimidation after the scheme was successful, in part. 125. The case of *Verges v. Babovich*, 644 F.Supp. 150 (E.D. La. 1986) supports the conclusion that these facts establish relatedness. In that case, the court found that allegations of a



coordinated scheme with similar elements were sufficient to establish a "pattern of racketeering activity" under RICO. B. The Defendants' Activities Satisfy the "Continuity" Requirement 126. The facts above also demonstrate that the defendants' activities satisfy the continuity requirement under both the closed-ended and open-ended frameworks. 127. Closed-ended continuity requires "a series of related predicates extending over a substantial period of time," as explained in *Egana v. Blair's Bail Bonds Inc.*, The activities of Defendants Myers and Branthoover span from December 2023 through May 2025, a period of approximately 18 months. 128. While there is no bright-line rule defining a "substantial period," courts generally require more than a few weeks or months. The 18-month period described in the facts meets this threshold. See *Reynolds v. Condon*, 908 F.Supp. 1494 (N.D. W.Va. 1996). 129. Beyond closed-ended continuity, the facts also support a finding of open-ended continuity, which focuses on "a threat of continuing criminal activity extending indefinitely into the future". 130. The ongoing nature of the threats and intimidation, as well as the continued illicit communications and monitoring of the Plaintiff's legal actions, suggest that the criminal activity is not limited to a finite period but threatens to continue into the future. Open-ended continuity can be established if "the related predicates themselves involve a distinct threat of long-term racketeering activity, either implicit or explicit." Here, the fact that the divorce matter has not been adjudicated on the merits and the specific threat from Branthoover stating "[w]hen this is all over, you get to deal with me. Just a heads up" which creates a future risk of further criminal activity. In other words, even if the State court proceedings eventually conclude, the pattern of behavior suggests that the defendants might continue their harassment and intimidation of the Plaintiff through subsequent litigation or criminal activity. C. Meeting Both Closed-Ended and Open-Ended Continuity 131. It is significant that the facts establish both closed-ended and open-ended continuity, although either one alone would be sufficient to satisfy the continuity requirement under *H.J. Inc.* 132. The fact that the scheme is not an isolated event but a series of related acts over a substantial period, with evidence of ongoing and future threats, serves to reinforce the conclusion that the continuity requirement is satisfied. The combined presence of both closed-ended and open-ended continuity provides a robust basis for finding that the defendants' activities constitute a pattern of racketeering activity under RICO. 133. In summary, the enumerated facts and predicate acts establish a "pattern of racketeering activity" under RICO, meeting both the relatedness and continuity requirements as interpreted by the Supreme Court and federal courts. X. THE MYERS-BRANTHOOVER ENTERPRISE 134. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 133 above, as if fully set forth herein. 135. Having already established the pattern of racketeering activity in the previous sections, the present analysis focuses on the enterprise element and how it is satisfied by the facts of this case. 136. The association between Myers and Branthoover constitutes an enterprise under RICO, as it exhibits all the required structural features: a common purpose, relationships among the associates, and sufficient longevity to pursue the enterprise's purpose. A. Common Purpose 137. The first structural feature of a RICO enterprise is a common purpose among its members. According to *United States v. Gershman*, 31 F.4th 80 (2nd Cir. 2022), an enterprise must have "a purpose, relationships among those associated with the enterprise, and longevity

sufficient to permit these associates to pursue the enterprise's purpose."

138. The enumerated facts demonstrate that Myers and Branthoover shared a common purpose: to manipulate judicial proceedings through fraudulent documents and coordinated deception to deprive Plaintiff of his property rights. This purpose is evident through their coordinated actions: i. On December 14, 2023, they engaged in intensive interstate communications (92 text messages) while Myers simultaneously attempted to obtain an ex-parte protective order against Plaintiff without legitimate cause. ii. During their phone conversation on December 15, 2023, Branthoover established the "operational framework" for the criminal scheme, arranging for Myers to visit Oklahoma for the purpose of coordinating fraudulent document preparation under the guise of offering Plaintiff assistance. iii. Defendants collaborated in preparing multiple fraudulent court documents during Myers' visit to Oklahoma, including the Original Petition for Divorce, Affidavit of Indigency, Request for Uncontested Cases, and Application for Protective Order. iv. Defendants collaborated in transferring \$1,576 of marital funds from a joint-marital bank account across state lines using Branthoover's PayPal account to conceal the end location of the funds. v. The funds were used to purchase a second phone for Myers in furtherance of the scheme, which was the phone number used on the documents at issue. iv. The coordinated timing of the eviction notice service in Texas while Myers was in Oklahoma with Branthoover preparing the court documents referenced in that notice. 139. The coordination of their activities

demonstrates a mutual understanding and shared objective, which satisfies the common purpose requirement for an enterprise. The specific goal of RICO is to punish the use of an enterprise to engage in certain criminal activities. Here, the enterprise's goal was to use fraudulent means to secure outcomes favorable to Myers in the divorce proceedings and to deprive Plaintiff of his property rights, which resulted in direct and ongoing damages to his business operations. B. Relationships Among Associates 140.

The second structural feature of a RICO enterprise is the existence of relationships among those associated with the enterprise. The facts demonstrate clear relationships between Myers and Branthoover: i. Their extensive communications (92 text messages on December 14, 2023) indicate a close working relationship. ii. Branthoover's role as an administrative coordinator is evident from his statement, "I hope I can help with the paperwork and make things go as smoothly as possible," and his later message attempting to control communications by stating, "all further communication should take place between attorneys. I must formally ask you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney." iii. Myers trusted Branthoover enough to travel interstate to his residence for the purpose of preparing fraudulent documents. iv. Branthoover had direct access to marital funds through the PayPal transfer. v. Their relationship continued over an 18-month period, with Branthoover continuing to monitor Plaintiff's court filings and sending threatening messages as recently as May 24, 2025.

141. These facts indicate a structured relationship with defined roles: Branthoover provided administrative oversight and guidance on legal matters (despite not being a licensed attorney), while Myers implemented the scheme through filing fraudulent documents and executing financial transactions. This division of labor is characteristic of an enterprise under RICO. C. Longevity Sufficient to Pursue the Enterprise's Purpose 142. The

third structural feature of a RICO enterprise is longevity sufficient to permit the associates to pursue the enterprise's purpose. The facts demonstrate that the association between Myers and Branthoover had substantial longevity: i. Their coordinated activities began on December 14, 2023, with intensive communications and Myers' attempt to obtain an ex-parte protective order. ii. Their association continued through Myers' visit to Oklahoma on December 15-17, 2023, where they prepared fraudulent court documents. iii. The enterprise achieved its primary objective on January 16, 2024, when Plaintiff was ordered to vacate the family residence. iv. Branthoover continued to monitor Plaintiff's court filings and send threatening messages on June 23, 2024, December 12, 2024, and most recently on May 24, 2025. 143. This timeline establishes an enterprise that operated continuously for approximately 18 months, from December 2023 through May 2025, and remains ongoing. This period is sufficient to demonstrate the longevity required for a RICO enterprise, as it allowed the associates to pursue and achieve their common purpose of manipulating judicial proceedings to deprive Plaintiff of his property rights. The longevity of their association is not merely incidental but is directly tied to the ongoing nature of their scheme. As the divorce proceedings continued, so did their coordinated efforts to maintain the advantages gained through their initial fraudulent actions. 144. This ongoing relationship demonstrates that the enterprise was not formed for a one-time transaction but was designed to operate over time to achieve and maintain their objectives. D. Interstate Commerce Connection 145. For a RICO violation, the enterprise's activities must affect interstate commerce. According to *Wanamaker v. Columbian Rope Co.*, 740 F.Supp. 127 (N.D. N.Y. 1990), one of the essential elements of a RICO claim is that "the activities of [the enterprise] affect interstate commerce or foreign commerce." The facts clearly establish the interstate nature of the enterprise's activities: i. Myers and Branthoover engaged in intensive interstate communications (92 text messages) between Texas and Oklahoma on December 14, 2023. ii. Myers traveled from Texas to Oklahoma on December 15, 2023, specifically for the purpose of preparing fraudulent court documents. iii. Myers transferred \$1,576 from the joint marital PNC account to Branthoover's PayPal account, which constitutes a transaction in interstate commerce. iv. Myers transported the fraudulent documents prepared in Oklahoma back to Texas on December 17, 2023. v. Branthoover continued to communicate with Plaintiff and Myers across state lines regarding the court proceedings through May 2025. 146. These interstate activities are not incidental but are central to the enterprise's operations. The enterprise deliberately used interstate travel and communications to facilitate its fraudulent scheme, thereby satisfying the interstate commerce requirement of RICO. 5. Structure Beyond Mere Pattern of Racketeering 147. It is important for Plaintiff to note that an enterprise must be more than merely the pattern of racketeering activity; it must have some structure beyond what is necessary to commit the predicate acts. The facts demonstrate that the Myers-Branthoover enterprise had such a structure: i. The enterprise employed operational security measures, including Myers' acquisition of a secondary phone number during her Oklahoma visit, which became an integral component of the fraudulent court documents. ii. The enterprise had a division of labor, with Branthoover providing administrative oversight and guidance based on his extensive knowledge of protective order procedures and requirements, while Myers

implemented the scheme through filing documents and executing financial transactions. iii. The enterprise demonstrated sophisticated coordination, such as the timing of the eviction notice service in Texas while Myers was in Oklahoma with Branthoover. iv. The enterprise employed deception to maintain operational security, with Myers creating a facade of normalcy"by reminding Plaintiff of their child's school field trip while simultaneously seeking an emergency protection order against him, and with Branthoover misleading Plaintiff that, as he put it, "help both of you". 148. These structural features go beyond what would be necessary to simply commit the predicate acts of wire fraud, Travel Act violations, and perjury. They demonstrate an organized association with defined roles, operational procedures, and coordination mechanisms—all hallmarks of an enterprise under RICO. 149. The three structural features identified in *United States v. Gershman*, 31 F.4th 80 (2nd Cir. 2022) — purpose, relationships, and longevity — are present in the Myers-Branthoover enterprise, as demonstrated above. These features are derived from the Supreme Court's decision in *Boyle v. United States*, which is binding on all federal courts, including those in the 10th Circuit. 150. The broad definition of "enterprise" in 18 U.S.C. § 1961 (2025) as including "any union or group of individuals associated in fact although not a legal entity" clearly encompasses the Myers-Branthoover relationship. This statutory definition applies uniformly across all federal circuits, including the 10th Circuit. XI. DISTINGUISHING FEATURES OF THE ENTERPRISE 151. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 150 above, as if fully set forth herein. A. Coordination and Planning 152. The enterprise demonstrated a high level of coordination and planning: i. The intensive communications (92 text messages) on December 14, 2023, indicate detailed planning of their scheme. ii. Branthoover's deceptive phone call to Plaintiff on December 15, 2023, was designed to establish false pretenses for Myers' interstate travel. iii. The coordination of the eviction notice service in Texas while Myers was in Oklahoma preparing the fraudulent documents referenced in that notice. iv. The systematic preparation of multiple fraudulent court documents, including the Original Petition for Divorce, Affidavit of Indigency, Request for Uncontested Cases, and Application for Protective Order. 153. This level of coordination distinguishes their relationship from mere parallel conduct by independent actors and supports the conclusion that they were operating as an enterprise. B. Ongoing Operations and Adaptation 154. The enterprise demonstrated ongoing operations and the ability to adapt to changing circumstances: i. After achieving their primary objective (Plaintiff's removal from the residence) on January 16, 2024, they continued their coordinated activities to maintain the advantages gained through their fraudulent actions. ii. Branthoover continued to monitor Plaintiff's court filings and send threatening messages over an extended period, with messages on June 23, 2024, December 12, 2024, and May 24, 2025. iii. The enterprise adapted its tactics over time, moving from fraudulent document preparation to ongoing harassment and intimidation to discourage Plaintiff from seeking relief. 155. This ongoing operation and ability to adapt further distinguish their relationship from a one-time collaboration and support the conclusion that they constituted an enterprise under RICO. C. Specific Roles and Responsibilities 156. The enterprise demonstrated specific roles and responsibilities for its members: i. Branthoover served as the administrative coordinator and legal advisor,

leveraging his extensive knowledge of protective order procedures and requirements to guide the preparation of fraudulent documents. ii. Myers served as the implementer, filing the fraudulent documents, executing financial transactions, and using her position as Plaintiff's spouse to access marital assets and file court documents against him. 157. This division of labor is characteristic of an enterprise under RICO and distinguishes their relationship from a casual association. 158. In sum, the Myers-Branthoover relationship satisfies the enterprise requirement under RICO, as interpreted by the Supreme Court and federal courts nationwide, including the 10th Circuit. Their coordinated activities from December 2023 through May 2025 demonstrate the existence of an association-in-fact enterprise engaged in a pattern of racketeering activity, which is precisely the type of criminal organization that RICO was designed to address. 159. Finally, Plaintiff must show that he suffered direct injury to his business or property as a direct result of the Defendant's racketeering activity. X. Damages 160. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 133 above, as if fully set forth herein. 161. As a direct result of the racketeering activity alleged herein, the Plaintiff has sustained substantial injury to his business operations, suffered significant credit decrease, has lost business opportunities, had his personal belongings destroyed, has had one vehicle repossessed, and has been subject to transient and unstable housing. A. Damage to Business Operations 162. In January of 2021, Plaintiff founded a digital financial analytics business from his home, focused on delivering real-time stock market data, automated technical indicators, and live market commentary to retail traders and boutique investment groups across the United States and Canada. His monetization model included tiered subscription plans, custom data feed licensing, and API endpoints. 163. By 2022, client demand and revenue growth began outpacing Plaintiff's initial architecture. In response, Plaintiff made the strategic decision to pause direct monetization in early 2023 to reinvest in infrastructure and ensure the platform could handle commercial-scale traffic. This included: i. Designing and deploying asynchronous financial signal algorithms, ii. Mastering PostgreSQL and NoSQL systems for real-time data delivery, iii. Building websocket-based dashboards for live data streaming, iv. Drafting licensing terms for premium indicator access and reseller API use. This period of reinvestment came at significant cost: Plaintiff temporarily sacrificed a revenue stream that had reached \$12,000 per month at its peak in exchange for long-term scalability. Plaintiff anticipated a short-term revenue dip, which he strategically absorbed in reliance on his imminent reentry to market. 164. By the summer of 2023, Plaintiff had completed core backend optimization and UI integrations and was prepared to scale user acquisition and marketing. This readiness marked a significant inflection point in Plaintiff's commercial trajectory. 165. Plaintiff reasonably projected a return to \$9,000-\$10,000/month by mid-2024, with a 24-month growth model targeting \$170,124.59 in revenue through subscriptions and data services alone. This forecast was based not on speculation, but on verified revenue history, platform readiness, and documented user engagement trends. 166. As part of Defendants' coordinated scheme to deprive Plaintiff of his home and operational capacity, Plaintiff was wrongfully and suddenly removed from the family residence in January 2024, despite Defendants' full knowledge that he operated an active and income-generating business from that location. This

action caused a direct and immediate injury to Plaintiff's business, cutting off his ability to scale as planned. Instead of growing, Plaintiff's revenue collapsed. 167. The removal was executed without warning or legal justification and had an immediate effect on Plaintiff's operations. Although the core data systems were technically portable, the business depended on commercial-grade internet, low-latency upload speeds, and a consistent, uninterrupted digital environment to support real-time financial analytics, streaming, and API-based services. Following the removal, Plaintiff was unable to find alternate housing with sufficient bandwidth. Attempts to work from temporary family residences failed, as Plaintiff's usage either exceeded available internet capacity or interfered with household connectivity, making it impossible to maintain stable service. Without the ability to stream, deliver data products, or support his clients, Plaintiff's revenue quickly declined and client engagement deteriorated. 168. Between September and December 2023, Plaintiff earned \$10,529.72, averaging \$2,632.43 per month after reactivating his business operations. Based on the platform's performance, technical stability, and confirmed subscriber growth, Plaintiff reasonably projected returning to \$5,000/month by mid-2024, with stable performance continuing through 2025. 169. Under a conservative model, had the business not been disrupted by Defendants' interference, Plaintiff would have earned: i. Approximately \$15,794.58 during the first half of 2024 (maintaining his pre-removal baseline), ii. Approximately \$24,000.00 during the second half of 2024 (with moderate growth to \$4,000/month), iii. And approximately \$60,000.00 across 2025 (at \$5,000/month). This yields a total projected income of \$99,794.58 for the 24-month period following the wrongful removal. 170. Instead, Plaintiff earned only \$14,892.27 across that period due to his inability to operate at scale. This results in a verified, direct business revenue loss of \$84,902.31. 171. Accordingly, Plaintiff seeks recovery of \$84,902.31 in lost business income directly caused by Defendants' pattern of racketeering activity described above. B. Cost of Living Increase - Proximity to Children 172. Between March and June of 2024, Plaintiff resided with his grandmother in Garland, Texas while he sought relief from the State courts. By July of 2024, Plaintiff's grandmother sold her home and moved into a small apartment, leaving Plaintiff without any place to stay. 173. Because no family member could offer reliable housing—due in part to Plaintiff's internet bandwidth requirements and the sensitive nature of the litigation—Plaintiff was forced to rely on a series of short-term Airbnb rentals between July and October 2024 so that he could reside near-by his daughters and provide them with a stable environment as he sought relief. 174. Verified receipts show that Plaintiff incurred a total of \$14,553.89 in temporary housing costs during this period. These expenses were not discretionary but were directly caused by the Defendants' actions that: i. Deprived Plaintiff of access to his lawful residence, ii. Created legal uncertainty regarding custody, iii. And required proximity to the children to preserve parental rights and the status quo. C. Damages - Fraudulent Transfer of \$1,576 and Cessation of Business Advertisements 175. As noted above, Defendants coordinated in emptying the joint marital PNC bank account, transferring \$1,576.00 from Plaintiff to a PayPal account controlled by Daniel Kenneth Branthoover, which was subsequently routed to Morgan Michelle Myers. These funds were used to purchase a second phone for Myers, enabling concealed communication and coordination between Defendants in furtherance of their scheme to defraud Plaintiff and obstruct

his business operations. 176. At the time of the transfer, Plaintiff was in the final stages of preparing to relaunch his business. The stolen funds were earmarked for early 2024 digital ad campaigns, Christmas presents, planned platform upgrades, and onboarding expenses designed to expand subscriber reach, as explained to Branthoover. The sudden and unauthorized withdrawal of this capital forced Plaintiff to cancel scheduled promotional placements and postpone key infrastructure expenses necessary for business continuity. 177. Based on Plaintiff's historical subscriber acquisition cost and prior return on advertising spend (ROAS), the canceled campaigns were projected to generate \$5,000.00-\$7,000.00 in new subscriber revenue during the first quarter of 2024. A conservative midpoint estimate places the value of this lost opportunity at \$5,000.00. 178. Plaintiff therefore seeks recovery of: i. The full amount of the fraudulently transferred \$1,576.00. D. Damages - Total 179. As a direct result of the Defendants' coordinated and fraudulent conduct detailed above, Plaintiff has sustained total economic losses in the amount of one hundred ten thousand five hundred thirty-two dollars and twenty cents (\$110,532.20). This includes: i. \$84,902.31 in lost business income caused by Plaintiff's wrongful removal from his residence and the destruction of his operational infrastructure; ii. \$14,553.89 in necessary temporary housing expenses incurred to remain near his daughters and preserve the parent-child relationship while deprived of access to his home; iii. \$1,576.00 in marital funds fraudulently transferred from Plaintiff's joint bank account without consent and used by Defendants in furtherance of the fraudulent scheme; iv. \$5,000.00 in estimated lost income resulting from the forced cancellation of business advertisements due to the diversion of business capital; and v. \$4,500.00 in legal and procedural costs incurred by Plaintiff in defending against the initial, baseless protective order proceedings filed by Defendant Myers, which were weaponized to gain leverage in the underlying divorce litigation. 180. Pursuant to 18 U.S.C. § 1964(c), Plaintiff is entitled to treble damages for injuries sustained to his business and property because of Defendants' racketeering activity. Accordingly, Plaintiff seeks an award of treble damages in the total estimated amount of three hundred thirty-one thousand five hundred ninety-six dollars and sixty cents (\$331,596.60) to be further clarified at trial. 181. All damages referenced herein are based on verifiable records and financial documentation. Plaintiff will produce supporting evidence and exhibits at the appropriate stage of these proceedings or at trial. XIII. CONCLUSION AND PRAYER Respectfully submitted, X \_\_\_\_\_ CHARLES DUSTIN MYERS  
CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE PLAINTIFF  
TARRANT COUNTY, TEXAS RESEARCH AND GRADE THE COMPLAINT  
1-10

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

### **Short response**

Based on the provided legal materials, I would grade this civil RICO complaint a 6 out of 10, as it contains well-structured allegations but faces significant legal challenges in establishing predicate acts, demonstrating a

clear enterprise distinct from the pattern of racketeering activity, and proving damages to business or property directly caused by the alleged RICO violations.

## Summary

The complaint filed by Charles Dustin Myers against Daniel Kenneth Branthoover and Morgan Michelle Myers attempts to establish a civil RICO claim based on allegations of wire fraud, Travel Act violations, and perjury as predicate acts forming a pattern of racketeering activity. The plaintiff meticulously details a series of interconnected events spanning approximately 18 months that allegedly constitute an enterprise between the defendants designed to manipulate judicial proceedings in Texas family courts and deprive the plaintiff of his property interests.

While the complaint demonstrates strength in its detailed factual allegations and attempts to establish relatedness and continuity of the alleged predicate acts, it faces several significant legal hurdles. These include the questionable status of perjury as a RICO predicate act, potential difficulties in establishing an enterprise distinct from the pattern of racketeering activity itself, and challenges in demonstrating that the alleged injuries to business and property were directly caused by RICO violations rather than by the underlying divorce proceedings.

## Background and Relevant Law

### Statutory Framework

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) provides both criminal penalties and civil remedies for specific prohibited activities. Under [18 U.S.C. § 1964](#)(c), "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."

To establish a civil RICO claim, a plaintiff must demonstrate several essential elements. According to [18 U.S.C. § 1962](#), "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 statute defines key terms relevant to this analysis. [18 U.S.C. § 1961](#) defines "racketeering activity" to include "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)." Additionally, a "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."

[18 U.S.C. § 1965](#) addresses venue and process, stating that "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."

## Case Law Interpretation

Courts have consistently articulated several key elements required for a successful RICO claim. As noted in [Fedorova v. Foley](#) (W.D. Mich. 2023), "[u]nder [18 U.S.C. § 1962](#)(c), it is 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' Put differently, a violation of this statute requires: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'"

This four-part test is consistently applied across jurisdictions. In [Williams v. Graves Cnty.](#) (W.D. Ky. 2021), the court explained that "[t]o state a RICO claim, a plaintiff must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" The court further noted that RICO defines "racketeering activity" to include various criminal acts, and that "[a] pattern of racketeering activity requires, at minimum, two acts of racketeering activity within ten years of each other."

Importantly, courts have established that the pattern requirement involves more than just numerical sufficiency. In [German Free State of Bavaria v. Toyobo Co., Ltd.](#) (W.D. Mich. 2007), the court specified that "to sustain a RICO violation claim, a plaintiff must show: (1) two or more predicate offenses; (2) the existence of an enterprise; (3) a nexus between the pattern of racketeering and the enterprise; and (4) an injury caused by the other three factors."

## Enterprise Requirement

The enterprise element is particularly critical in RICO claims. In [SAAP Energy v. Bell](#) (W.D. Ky. 2013), the court explained that a RICO enterprise "includes any individual, partnership, corporation, association, or other legal entity, and any union of individuals associated in fact although not a legal entity." The court further noted that the RICO concept of an enterprise is "obviously broad, encompassing 'any... group of individuals associated in fact.'"

The structure of a RICO enterprise "must have at least three... features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." However, this "organizational structure need not be hierarchical, can make decisions on an ad hoc basis, and does not require the members to

have fixed roles." The plaintiff must simply show "a continuing unit that functions with a common purpose."

It's essential that an enterprise be distinct from the pattern of racketeering activity itself. As stated in [German Free State of Bavaria v. Toyobo Co., Ltd.](#), "to satisfy the enterprise requirement, an association-in-fact must be an ongoing organization, its members must function as a continuing unit, and it must be separate from the pattern of racketeering activity in which it engages."

## **Pattern of Racketeering Activity**

The pattern requirement for RICO claims has been interpreted to require both "relatedness" and "continuity" of predicate acts. According to [Williams v. Graves Cnty.](#), a pattern of racketeering activity "also requires a showing 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'"

In [Pemberton v. Walker](#) (W.D. Wis. 2024), the court emphasized that "the Supreme Court has emphasized that RICO was enacted in response to 'long-term criminal conduct,' not isolated or sporadic unlawful activity." This highlights the continuity aspect of the pattern requirement.

As explained in [Hall American Center Associates v. Dick](#) (W.D. Mich. 1989), "The mere proof of two predicate acts, however, does not establish a pattern." The court noted that "the legislative history supports the view that two isolated acts of racketeering activity do not constitute a pattern. As the Senate Report explained: 'The target of RICO is thus not sporadic activity. The infiltration of legitimate business normally requires more than one 'racketeering activity' and the threat of continuing activity to be effective. It is this factor of continuity plus relationship which combines to produce a pattern.'"

## **Civil RICO Requirements**

For a civil RICO claim to succeed, the plaintiff must demonstrate injury to business or property directly caused by the RICO violation. As stated in [STATE OF MICH., DEPT. OF TREASURY v. Fawaz](#) (W.D. Mich. 1986), "The treble damage provision presupposes an underlying compensable injury to be trebled."

Additionally, allegations involving fraud must be pled with particularity. According to [Barry Aviation v. Land O'Lakes Municipal Airport](#) (W.D. Wis. 2005), a plaintiff must "allege with particularity facts showing a pattern of racketeering" when the predicate acts involve fraud.

# **Analysis of the Complaint**

## **Jurisdiction and Venue**

The complaint properly establishes jurisdiction under [18 U.S.C. § 1964](#)(c), which grants federal courts jurisdiction over civil RICO actions. Venue is appropriately asserted under [18 U.S.C. § 1965](#)(a), which permits RICO actions to be brought in any district where the defendant "resides, is found, has an agent, or transacts his affairs." Defendant Branthoover is alleged to reside in Canadian County, Oklahoma, which falls within the Western District of Oklahoma.

## **Alleged Predicate Acts**

The complaint identifies three primary categories of alleged predicate acts: wire fraud, Travel Act violations, and perjury. Each requires separate analysis:

### **Wire Fraud**

Wire fraud is a recognized predicate act under [18 U.S.C. § 1961](#), which specifically includes "section 1343 (relating to wire fraud)" as a racketeering activity. The complaint alleges that Myers transferred \$1,576 from a joint marital bank account to Branthoover's PayPal account, depleting the account entirely. This transfer allegedly occurred via interstate wire and was accompanied by interstate text messages and phone calls between Myers and Branthoover.

To establish wire fraud as a predicate act, the complaint must demonstrate: (1) a scheme to defraud, (2) use of interstate wire communications, and (3) intent to defraud. The interstate nature of the communications and transfer is well-established in the complaint, satisfying the second element.

However, the first and third elements may face challenges. Myers, as a joint account holder, likely had legal authority to transfer funds from the account. While the complaint alleges that this transfer was part of a broader fraudulent scheme, it must establish that the transfer itself was fraudulent rather than merely a marital dispute over shared assets. The intent to defraud is alleged through the coordination between Myers and Branthoover and the timing of the transfer in relation to the divorce proceedings.

### **Travel Act Violations**

The complaint alleges that Myers traveled from Texas to Oklahoma to prepare fraudulent court documents with Branthoover's assistance, then returned to Texas with these documents. This interstate travel is alleged to satisfy the elements of a Travel Act violation.

The Travel Act is included in [18 U.S.C. § 1961](#) as a predicate act for RICO purposes, specifically under "section 1952 (relating to racketeering)." To establish a Travel Act violation, the complaint must show: (1) interstate

travel or use of interstate facilities, (2) intent to promote unlawful activity, and (3) subsequent acts in furtherance of the unlawful activity.

The interstate travel is clearly alleged, satisfying the first element. The complaint also alleges subsequent acts in filing the allegedly fraudulent documents in Texas courts, potentially satisfying the third element. However, the second element—intent to promote unlawful activity—may be more challenging to establish. The complaint must demonstrate that the purpose of Myers' travel was specifically to engage in unlawful activity, rather than simply to consult with a friend or advisor about divorce proceedings.

## **Perjury**

The complaint alleges that Myers made numerous false statements in sworn court documents, including misrepresentations about her financial status, the existence of protective orders, cohabitation with the plaintiff, and property ownership.

Significantly, perjury is not explicitly listed as a predicate act under [18 U.S.C. § 1961](#). As noted in RICO: A Primer (2022), racketeering activities include specific enumerated offenses, most commonly "mail and wire fraud." Perjury is not among these enumerated offenses.

The complaint attempts to address this issue by arguing that perjury can serve as a RICO predicate when it is part of a broader pattern of racketeering activity, particularly when connected to fraud schemes that qualify as RICO predicates. However, this is a tenuous legal position without clear support in the provided legal materials. The connection between the alleged perjury and the recognized predicate acts of wire fraud and Travel Act violations would need to be firmly established to overcome this challenge.

## **Pattern of Racketeering Activity**

The complaint alleges a pattern of racketeering activity spanning approximately 18 months, from December 2023 through May 2025. To establish a pattern, the complaint must demonstrate both "relatedness" and "continuity" of the predicate acts.

### **Relatedness**

The complaint argues that the predicate acts are related because they share the same purpose (unlawfully depriving the plaintiff of property and rights), involve the same participants (Myers and Branthoover), target the same victim (the plaintiff), and employ similar methods (fraudulent court filings, wire fraud, and interstate communications).

This approach aligns with the understanding of relatedness as described in RICO: A Primer (2022), which notes that racketeering acts need not be similar or directly related to each other but must be "related in some way to

the affairs of the charged enterprise," including acts that "furthered the goals of or benefitted the enterprise" or had "the same or similar purposes, results, participants, victims or methods of commission."

## **Continuity**

The complaint argues that both "closed-ended continuity" and "open-ended continuity" are satisfied. Closed-ended continuity requires "a series of related predicates extending over a substantial period of time," which the complaint argues is demonstrated by the approximately 18-month period of activity.

Open-ended continuity involves a threat of continued criminal activity into the future, which the complaint argues is shown by ongoing threats and intimidation from Branthoover, as well as continued monitoring of the plaintiff's legal actions.

As explained in [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#) (2021), "A plaintiff can satisfy RICO's pattern requirement two ways: by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy."

The 18-month timeframe alleged in the complaint may be sufficient to establish closed-ended continuity, as courts generally require more than a few weeks or months. The ongoing threats and monitoring alleged in the complaint could potentially support open-ended continuity, suggesting a threat of continued activity.

## **Enterprise Allegations**

The complaint alleges that the association between Myers and Branthoover constitutes an enterprise under RICO, exhibiting the required structural features of common purpose, relationships among associates, and sufficient longevity.

### **Common Purpose**

The complaint alleges that Myers and Branthoover shared a common purpose: to manipulate judicial proceedings through fraudulent documents and coordinated deception to deprive the plaintiff of his property rights. The intensive communications, coordinated preparation of documents, and financial transactions are cited as evidence of this common purpose.

Under [SAAP Energy v. Bell](#), an enterprise must have a "purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." The alleged coordinated activities over an extended period could potentially satisfy this requirement.

## **Relationships Among Associates**

The complaint details the relationship between Myers and Branthoover, including extensive communications, Branthoover's administrative role, Myers' trust in Branthoover evidenced by interstate travel to his residence, and Branthoover's access to marital funds through the PayPal transfer.

These allegations attempt to establish a structured relationship with defined roles: Branthoover providing administrative oversight and guidance, and Myers implementing the scheme through filing documents and executing financial transactions. This division of labor could potentially satisfy the relationships requirement.

## **Longevity**

The complaint alleges that the association between Myers and Branthoover operated continuously for approximately 18 months, from December 2023 through May 2025, allowing them to pursue and achieve their common purpose of manipulating judicial proceedings to deprive the plaintiff of his property rights.

This 18-month period may be sufficient to demonstrate the longevity required for a RICO enterprise, as it allowed the associates to pursue their alleged common purpose over time.

## **Structure Beyond Mere Pattern of Racketeering**

A critical challenge for the complaint is establishing that the enterprise has a structure beyond what is necessary to commit the predicate acts. As stated in [German Free State of Bavaria v. Toyobo Co., Ltd.](#), an enterprise "must be separate from the pattern of racketeering activity in which it engages."

The complaint attempts to address this by alleging structural features such as operational security measures, division of labor, sophisticated coordination, and deception to maintain security. These allegations aim to demonstrate an organized association with defined roles and procedures beyond what would be necessary to simply commit the alleged predicate acts.

However, there is a risk that a court might find that the alleged enterprise is merely the pattern of racketeering activity itself, rather than a distinct entity. This is a common challenge in RICO cases and could be a significant weakness in the complaint.

## **Interstate Commerce Connection**

The complaint establishes the interstate nature of the alleged enterprise's activities through several key allegations: interstate communications between Texas and Oklahoma, Myers' travel from Texas to Oklahoma, the interstate transfer of funds, and the transportation of documents across state lines.



As noted in *RICO: A Prime* (2022), "RICO requires no more than a slight effect upon interstate commerce." The interstate activities alleged in the complaint likely satisfy this requirement, as they are central to the enterprise's operations rather than incidental.

## **Injury to Business or Property**

The complaint alleges substantial injury to the plaintiff's business operations and property as a direct result of the defendants' racketeering activity. Specifically, it claims that the plaintiff's digital financial analytics business was severely impacted when he was forced to vacate his home, resulting in lost revenue and business opportunities.

Under [18 U.S.C. § 1964](#)(c), a civil RICO plaintiff must demonstrate injury to "business or property by reason of a violation of section 1962." This requires a direct causal link between the RICO violation and the claimed damages.

The complaint faces a significant challenge in establishing this causal link. It must demonstrate that the alleged injuries were caused by the RICO violations themselves, rather than by the divorce proceedings or the court order requiring the plaintiff to vacate the residence. If the damages were primarily the result of a legitimate court order, even if that order was based on allegedly false information, it may be difficult to attribute those damages directly to the RICO violations.

Additionally, some of the claimed damages, such as temporary housing costs and emotional distress, may not qualify as injuries to "business or property" under RICO's strict interpretation of these terms.

## **Exceptions and Caveats**

### **Perjury as a RICO Predicate**

The complaint's reliance on perjury as a RICO predicate act represents a significant legal challenge. Perjury is not explicitly listed as a predicate act under [18 U.S.C. § 1961](#). While the complaint argues that perjury can be included as part of a broader fraudulent scheme that constitutes a RICO violation, this argument lacks strong support in the provided legal materials.

### **Divorce Context**

The fact that this case arises from a divorce proceeding adds complexity and potential limitations. Courts may be hesitant to apply federal RICO statutes to what could be characterized as a contentious divorce case that would typically fall under state family court jurisdiction. As suggested in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) (2022), "Civil RICO actions are now ubiquitous, so much so that plaintiffs often attempt to apply the statute to situations that bear little resemblance to the criminal racketeering activity animating the enactment of the statute in the first place."

## **Causation of Damages**

The complaint may face significant challenges in establishing that the claimed damages were directly caused by the alleged RICO violations. Many of the damages appear to stem from the court order requiring the plaintiff to vacate the residence, which, though allegedly based on fraudulent information, was itself a legitimate judicial action. This intervening cause could potentially break the chain of causation required for RICO damages.

## **Conclusion**

Based on the provided legal materials, the complaint presented by Charles Dustin Myers demonstrates both strengths and significant weaknesses under RICO law. I would grade it a 6 out of 10.

The complaint's strengths include:

1. Detailed factual allegations spanning an 18-month period
2. Careful attention to establishing interstate elements
3. Well-articulated theory of an enterprise with defined roles
4. Clear allegations of multiple predicate acts
5. Strong arguments for both relatedness and continuity

However, the complaint faces several significant challenges:

1. Questionable status of perjury as a RICO predicate act
2. Potential difficulty distinguishing the enterprise from the pattern of racketeering activity
3. Challenges in establishing causation between the alleged RICO violations and the claimed damages
4. Possible reluctance of federal courts to apply RICO in what could be characterized as a divorce dispute
5. Potential defenses regarding the joint account holder's authority to transfer funds

While the complaint is well-structured and contains detailed allegations, these legal challenges could significantly impact its success in federal court. The plaintiff might face motions to dismiss based on failure to state a claim under RICO, particularly regarding the predicate acts, enterprise requirements, and causation of damages.

The complaint would be strengthened by focusing more explicitly on the wire fraud and Travel Act violations as predicate acts, downplaying the perjury allegations, and establishing a clearer distinction between the enterprise and the pattern of racketeering activity. Additionally, a more direct connection between the RICO violations and the business damages would enhance the causation argument.

## **Legal Authorities**



[STATE OF MICH., DEPT. OF TREASURY v. Fawaz, 653 F.Supp. 141 \(W.D. Mich. 1986\)](#)

**U.S. District Court — Western District of Michigan**

**Extract**

On January 6, 1986, the State of Michigan Department of Treasury, Revenue Division (State of Michigan) instituted this action under the Racketeer Influenced and Corrupt Organization Act (RICO), 18 U.S.C. § 1961-68, against defendant doing business as West Seven Mile Service and Froggy's Fill-Up, Inc. The State of Michigan seeks treble damages under § 1964(c). Before the court is defendant's motion to dismiss, pursuant to Fed.R.Civ.P. 12(b)(6). 18 U.S.C. § 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.' See also 18 U.S.C. § 1961(1). Mail fraud, in the form of defendant's mailing of the fraudulent sales tax returns, indictable under 18 U.S.C. § 1341, is the predicate offense upon which this action is based. We must now determine whether the Revenue Division of a single department of the State of Michigan is a 'person' with standing to pursue federal civil remedies under RICO, a question of first impression in this circuit. ... Our conclusion that the Revenue Division lacks standing is further reinforced by the particular facts of this case. The order of restitution issued against Fawaz by the state criminal court eliminates, or at least greatly diminishes, the State of Michigan's 'injury to business or property' as required by § 1964(c). The State of Michigan responds that the remedy provisions of RICO are exemplary and not compensatory in nature. This contention is inconsistent with the very purpose of RICO, to compensate victims of racketeering activity. The treble damage provision presupposes an underlying compensable injury to be trebled. See § 1964(c). In light of the foregoing conclusions, we need not address the remaining issues raised in defendant's motion. Accordingly, defendant's motion to dismiss will be granted. IT IS SO ORDERED.

**Summary**

Requirements for standing under RICO, specifically the need for a compensable injury to business or property to claim treble damages. It highlights that the State of Michigan's claim was dismissed due to lack of standing and compensable injury. This is relevant to the complaint in question as it involves a RICO claim seeking treble damages, and the plaintiff must demonstrate a direct injury to business or property to succeed.

[Ross v. Omnibusch, Inc., 607 F.Supp. 835 \(W.D. Mich. 1984\)](#)

**U.S. District Court — Western District of Michigan**

## **Extract**

These are, first, that Count 7 fails to allege fraud with the particularity required by Federal Rule of Civil Procedure (F.R.C.P.) 9(b); second, that Plaintiffs fail to allege an enterprise pursuant to 18 U.S.C. § 1962(c) and § 1961(4) which is separate from the Defendants and the pattern of racketeering; third, that Plaintiffs fail to assert the racketeering injury they argue is required by 18 U.S.C. § 1964(c); fourth, that no civil RICO action lies where there has been no criminal conviction of the predicate acts that constitute the pattern of racketeering activities; and fifth, that no civil RICO action can survive without an allegation of organized crime's involvement. The Court will address each of these seriatim.

## **Summary**

A criminal conviction or organized crime involvement is not necessary for a civil RICO action. This information is crucial for evaluating the sufficiency of the complaint in question.

[WE DARIN CONST. ENT. v. Detroit Coke Co., 814 F. Supp. 325 \(W.D. N.Y. 1993\)](#)

**U.S. District Court — Western District of New York**

## **Extract**

In order to state a civil claim for damages under RICO, Plaintiff faces two distinct pleading burdens. First, it must allege that Defendants violated the substantive RICO statute, commonly known as 'criminal RICO.' *Moss v. Morgan Stanley Inc.*, 719 F.2d 5, 17 (2d Cir.1983), cert. denied, 465 U.S. 1025, 104 S.Ct. 1280, 79 L.Ed.2d 684 (1984). As stated by the Second Circuit in *Moss*: In so doing, a plaintiff 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...

## **Summary**

Necessary elements to establish a civil RICO claim, which are relevant to evaluating the sufficiency of the complaint in question. The complaint must demonstrate a pattern of racketeering activity, the existence of an enterprise, and the impact on interstate commerce, among other elements.

[Barry Aviation v. Land O'Lakes Municipal Airport, 366 F.Supp.2d 792 \(W.D. Wis. 2005\)](#)

**U.S. District Court — Western District of Wisconsin**

## **Extract**

Defendants' most substantial argument is that plaintiff failed to allege with particularity facts showing a pattern of racketeering. A 'pattern of racketeering activity' 'requires at least two acts of racketeering activity,' 18 U.S.C. § 1961(5); Such acts may encompass any one of the more than forty state and federal law felonies listed in 18 U.S.C. § 1961(1). In the May 14, 2003 order dismissing plaintiff's first complaint, I held that plaintiff had failed to point to a single federal statute enumerated in this list that provided a link to plaintiff's asserted predicate acts. In its second amended complaint, plaintiff has added allegations implicating mail and wire fraud. However, as defendants argue, these allegations fail to satisfy the particularity requirements of Rule 9(b).

## **Summary**

The passage highlights the necessity for a plaintiff to allege predicate acts with particularity under Rule 9(b) when claiming a pattern of racketeering activity under RICO. This is relevant to evaluating the complaint in question, as it involves RICO claims and the need to establish a pattern of racketeering activity.

[Hall American Center Associates v. Dick, 726 F.Supp. 1083 \(W.D. Mich. 1989\)](#)

## **U.S. District Court — Western District of Michigan**

### **Extract**

The RICO statute defines 'pattern of racketeering activity' as 'at least two acts of racketeering activity, one of which occurred after October 15, 1970 and the last of which occurred within ten years ... after the commission of a prior act of racketeering activity.' The mere proof of two predicate acts, however, does not establish a pattern. In *Sedima*, 473 U.S. 479, 105 S.Ct. 3275, a 5-4 decision, the Supreme Court entered into the fray of providing a meaningful formulation of the pattern requirement: The legislative history supports the view that two isolated acts of racketeering activity do not constitute a pattern. As the Senate Report explained: 'The target of RICO is thus not sporadic activity. The infiltration of legitimate business normally requires more than one `racketeering activity' and the threat of continuing activity to be effective. It is this factor of continuity plus relationship which combines to produce...

### **Summary**

The passage provides insight into the requirements for establishing a "pattern of racketeering activity" under the RICO statute. It emphasizes that merely proving two predicate acts is insufficient; there must be continuity and a relationship between the acts. This is crucial for evaluating the

complaint's adherence to RICO requirements, as the complaint must demonstrate a pattern of racketeering activity that is not sporadic but continuous and related.

[Fedorova v. Foley](#)

## **U.S. District Court — Western District of Michigan**

### **Extract**

As the Magistrate Judge and this Court have previously explained, Under 18 U.S.C. § 1962(c), it is “unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.” Put differently, a violation of this statute requires: “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” *Sedima, S.P.R.I. v. Imrex Co.*, 473 U.S. 479, 496 (1985). Plaintiff must allege each of these elements to state a claim. *Heinrich v. Waiting Angels Adoption Servs., Inc.*, 668 F.3d 393, 404 (6th Cir. 2012). “Racketeering...

### **Summary**

Essential elements required to establish a RICO claim under federal law, which are conduct, enterprise, pattern, and racketeering activity. This is relevant to the complaint as it provides a framework for evaluating whether the complaint adequately alleges these elements.

[Williams v. Graves Cnty., CIVIL ACTION NO. 5:21-CV-21-TBR \(W.D. Ky. Jul 06, 2021\)](#)

## **U.S. District Court — Western District of Kentucky**

### **Extract**

To state a RICO claim, a plaintiff must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Heinrich v. Waiting Angels Adoption Servs., Inc.*, 668 F.3d 393, 404 (6th Cir. 2012) (quoting *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985)). RICO defines 'racketeering activity' to include, among other things, 'any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical. . . , which is chargeable under State law and punishable by imprisonment for more than one year[.]' 18 U.S.C. § 1961(1)(A). 'A pattern of racketeering activity requires, at minimum, two acts of racketeering activity within ten years of each other.' *Heinrich*, 668 F.3d at 409 (citing 18 U.S.C. § 1961(5)). It also requires a showing 'that the racketeering predicates are

related, and that they amount to or pose a threat of continued criminal activity." Id. (quoting H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239 (1989)). To plausibly state a RICO conspiracy claim, 'plaintiffs must successfully allege all the elements of a RICO violation, as well as alleging 'the existence of an illicit agreement to violate the substantive RICO provision.'" Id. at 411 (quoting United States v. Sinito, 723 F.2d 1250, 1260 (6th Cir. 1983)). Finally, a plaintiff advancing a civil RICO claim must allege injury to business or property. See 18 U.S.C. § 1964(c).

## **Summary**

Essential elements required to establish a RICO claim: conduct of an enterprise through a pattern of racketeering activity, with at least two acts of racketeering within ten years, and a threat of continued criminal activity. It also emphasizes the need for an illicit agreement in conspiracy claims and the requirement to allege injury to business or property. This framework is applicable to federal RICO cases and provides a basis for evaluating the sufficiency of the complaint in question.

[Maussner v. McCormick, 653 F.Supp. 131 \(W.D. N.Y. 1986\)](#)

**U.S. District Court — Western District of New York**

## **Extract**

In order to state a claim under RICO, a plaintiff must allege the existence of seven constituent elements. Moss v. Morgan Stanley, Inc., 719 F.2d 5, 17 (2d Cir.1983), cert. denied, 465 U.S. 1025, 104 S.Ct. 1280, 79 L.Ed.2d 684 (1984). These elements are: (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.

## **Summary**

Framework for evaluating whether the complaint meets the necessary legal standards for a RICO claim.

[Ralston v. Capper, 569 F.Supp. 1575 \(W.D. Mich. 1983\)](#)

**U.S. District Court — Western District of Michigan**

## **Extract**

In their motions to dismiss, defendants essentially argue that, although their activities may literally fall within the words of the RICO Statute, they are not within its spirit or purpose. They argue that RICO was not intended to

provide a federal treble-damage remedy for 'garden variety' state fraud claims, and cite many U.S. district court cases which evince judicial hostility towards civil RICO claims... There must be an enterprise, there must be an effect upon interstate commerce before RICO can come into effect, and there must also be two predicate offenses. All of the separate elements of a 1962(c) or 1962(d) claim must be proven by plaintiffs, including the predicate racketeering acts, their impact on interstate commerce, and the existence of an enterprise. These requirements will be strictly adhered to.

## **Summary**

The passage provides insight into the strict requirements for a RICO claim, which are relevant to evaluating the complaint in question. It emphasizes the necessity of proving an enterprise, interstate commerce impact, and predicate acts, which are critical elements in assessing the validity of a RICO claim.

[SAAP Energy v. Bell, CASE NO. 1:12-CV-00098 \(W.D. Ky. Aug 28, 2013\)](#)

## **U.S. District Court — Western District of Kentucky**

### **Extract**

Basil also moves to dismiss the RICO claim because SAAP has insufficiently pled the existence of an 'enterprise.' A RICO enterprise 'includes any individual, partnership, corporation, association, or other legal entity, and any union of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). The RICO concept of an enterprise is 'obviously broad, encompassing 'any... group of individuals associated in fact.' Boyle v. United States, 556 U.S. 938, 944 (2009) (quoting 18 U.S.C. § 1961(4)). 'An enterprise... 'is proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Id. at 945 (quoting United States v. Turkette, 452 U.S. 576, 583 (1981)). To be an enterprise, the association-in-fact must have a structure. Id. The structure of an enterprise 'must have at least three... features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id. at 946. But 'this organizational structure need not be hierarchical, can make decisions on an ad hoc basis, and does not require the members to have fixed roles.' Ouwinga, 694 F.3d at 794. The plaintiff must simply show 'a continuing unit that functions with a common purpose.' Boyle, 556 U.S. at 948. Finally, 'although the existence of an enterprise is a separate element that must be proved, the evidence used to prove the pattern of racketeering activity and the evidence establishing an enterprise 'may in particular cases coalesce.'

## **Summary**

Detailed explanation of what constitutes a RICO enterprise, emphasizing the need for a structure with a purpose, relationships, and longevity. It also



clarifies that the structure does not need to be hierarchical and that the evidence for the enterprise and the pattern of racketeering activity can overlap. This is relevant to evaluating the complaint's sufficiency in alleging a RICO enterprise.

[Pemberton v. Walker, 22-cv-716-wmc \(W.D. Wis. Feb 27, 2024\)](#)

## **U.S. District Court — Western District of Wisconsin**

### **Extract**

Finally, plaintiffs claim that the requirement they pay for their own drug testing in cash before pretrial release amounted to extortion and racketeering under the RICO statute, which 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 or collection of unlawful debt,” 18 U.S.C. § 1962(c), “to conspire” with others to do so. 18 U.S.C. § 1962(d). However, the Supreme Court has emphasized that RICO was enacted in response to “long-term criminal conduct,” not isolated or sporadic unlawful activity.

### **Summary**

The passage highlights the requirement for a RICO claim to involve long-term criminal conduct, as opposed to isolated or sporadic unlawful activity. This is a critical aspect of establishing a RICO violation, as it underscores the necessity of demonstrating a pattern of racketeering activity that is continuous and related.

[German Free State of Bavaria v. Toyobo Co., Ltd., 480 F.Supp.2d 958 \(W.D. Mich. 2007\)](#)

## **U.S. District Court — Western District of Michigan**

### **Extract**

To sustain a RICO violation claim, a plaintiff must show: (1) two or more predicate offenses; (2) the existence of an enterprise; (3) a nexus between the pattern of racketeering and the enterprise; and (4) an injury caused by the other three factors. ... A RICO enterprise is defined as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... To satisfy the enterprise requirement, an association-in-fact must be an on-going organization, its members must function as a continuing unit, and it must be separate from the pattern of racketeering activity in which it engages.

## Summary

Clear outline of the elements required to establish a RICO claim, including the need for two or more predicate offenses, the existence of an enterprise, a nexus between the racketeering pattern and the enterprise, and an injury caused by these factors. It also clarifies that an enterprise must be an ongoing organization with members functioning as a continuing unit, separate from the racketeering activity itself.

[Platsis v. EF Hutton & Co. Inc., 642 F. Supp. 1277 \(W.D. Mich. 1986\)](#)

### **U.S. District Court — Western District of Michigan**

## Extract

In order to recover under RICO, plaintiff must prove by a preponderance of the evidence that Hutton through the commission of two or more acts constituting a 'pattern' of 'racketeering activity' directly or indirectly invested in, maintained an interest in, or participated in an 'enterprise' the activities of which affect interstate commerce. *Sedima, S.P.R.L. v. Imrex, Co., Inc.*, \_\_\_ U.S. \_\_\_, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346, 358-59 (1985).

## Summary

Clear explanation of the elements necessary to establish a RICO violation, which are relevant to the complaint filed by Charles Dustin Myers. Specifically, it highlights the need to prove a pattern of racketeering activity, the existence of an enterprise, and the impact on interstate commerce. These elements are central to Myers' claims against the defendants.

[18 U.S.C. § 1621 18 U.S.C. § 1621 Perjury Generally](#)

## Extract

Whoever- having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.



## **Summary**

The passage provides the legal definition and penalties for perjury under U.S. federal law, which is relevant to the complaint's allegations of perjury as part of a broader RICO claim. The complaint alleges that perjury was committed as part of a fraudulent scheme, which could potentially be considered under RICO if it is part of a pattern of racketeering activity.

[18 U.S.C. § 1622 18 U.S.C. § 1622 Subornation of Perjury](#)

## **Extract**

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

## **Summary**

The passage provides insight into the legal consequences of subornation of perjury, which is relevant to the complaint if it involves allegations of perjury or subornation of perjury as part of the RICO claims. The statute outlines the penalties for procuring another to commit perjury, which could be pertinent if the complaint alleges that one party induced another to provide false testimony.

[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**

The passage provides guidance on the venue for civil actions under the RICO statute. It states that such actions can be instituted in any district court where the defendant resides, is found, has an agent, or transacts affairs. This is relevant to the complaint as it involves a RICO claim, and the venue is a critical aspect of jurisdiction.

[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**

Unlawful nature of acquiring or maintaining control over an enterprise through racketeering activities, which is central to the RICO claims in the complaint. The complaint alleges that the defendants engaged in a pattern of racketeering activity to manipulate judicial proceedings and deprive the plaintiff of property rights, which aligns with the prohibitions outlined in 18 U.S.C. § 1962.

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

## **Extract**

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**

Clear explanation of the civil remedies available under RICO for violations of section 1962. It specifies that individuals injured in their business or property due to such violations can sue in federal court and are entitled to recover three times the damages they sustain, along with the costs of the suit and reasonable attorney's fees.

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

## **Extract**

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to

embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons),<sup>1</sup> sections 1831 and 1832 (relating to economic espionage and theft of trade secrets), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic),<sup>2</sup> sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 29186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title),

fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(B);

## **Summary**

Comprehensive definition of "racketeering activity" under the RICO statute, listing various acts that qualify as predicate offenses. This is relevant to the complaint as it involves allegations of racketeering activity under RICO, and the complaint must establish that the defendants' actions fall within these definitions to succeed.

[The extraterritorial defense: a border to RICO claims arising from international transactions.](#)

**Defense Counsel Journal - International Association of Defense Counsels - Hargrove, Lorrie L. - 2014-01-01**

## **Extract**

Every RICO claim requires: (1) 'racketeering activity' that is (2) conducted through an 'enterprise.' (4) A RICO 'enterprise' is the 'vehicle through which the unlawful pattern of racketeering activity is committed.' (5) 'Racketeering activity' consists of any of the criminal offenses, commonly referred to as 'predicate acts,' identified in 18 U.S.C. [section] 1961(1). (6) Mail and wire fraud are the most commonly pled predicate...

## **Summary**

Fundamental components necessary for a RICO claim, which are relevant to evaluating the complaint's adherence to these legal standards. The complaint must demonstrate both racketeering activity and the existence of an enterprise, as well as the connection between the two. The passage also highlights the common use of mail and wire fraud as predicate acts, which are relevant to the complaint's allegations.

[Racketeer influenced and corrupt organizations.](#)

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

**Extract**

The Racketeer Influenced and Corrupt Organizations Act (RICO), enacted as Title IX of the Organized Crime Control Act of 1970, is designed to combat criminal organization. It prohibits 'any person' from: (a) using income received from a pattern of racketeering activity or through collection of an unlawful debt to acquire an interest in an enterprise affecting interstate commerce; (b) acquiring or maintaining through a pattern of racketeering activity or through collection of an unlawful debt an interest in an enterprise affecting interstate commerce; (c) conducting or participating in the conduct of, through a pattern of racketeering activity or through collection of an unlawful debt, the affairs of an enterprise affecting interstate commerce; or (d) conspiring to participate in any of these... The racketeering activity must have some effect on interstate commerce. Courts initially held that the enterprise itself, and not the predicate acts, must affect interstate commerce. However, many courts now exercise jurisdiction when the predicate acts form a nexus with interstate commerce.

**Summary**

N overview of the RICO Act, emphasizing the need for a pattern of racketeering activity and its effect on interstate commerce. It highlights the legal interpretations and requirements for establishing a RICO violation, which are relevant to evaluating the complaint's claims under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

**Extract**

The two most controversial elements of RICO continue to be the 'Pattern' and 'enterprise' requirements. A. Two or More Predicate Acts of Racketeering Activity The first element of RICO requires two or more predicate acts of 'racketeering activity.' RICO defendants need not be convicted of each 'racketeering activity' before a substantive RICO offense is charged. Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. These crimes include: (a) certain acts that are chargeable under state laws and punishable by imprisonment for more than one year; (b) acts that are indictable under specified provisions of Title 18; ... 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. However, the Court recognized that proof of these factors will often overlap. The relationship prong is defined by

the connection of the defendant's criminal acts to one another: 'continuity' is successfully proved if a prosecutor can show actual continuity during a past, closed period of repeated conduct or an open-ended threat of continued racketeering activity in the future.

## Summary

To establish a RICO violation, there must be a pattern of racketeering activity, which includes two or more predicate acts. These acts must demonstrate both a relationship and continuity. The relationship prong requires that the acts are connected, while continuity can be shown through repeated conduct over time or a threat of ongoing activity. This understanding is crucial for evaluating the complaint's allegations under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

## Extract

an interest in an enterprise affecting interstate commerce;(10) (b) acquiring or maintaining through a pattern of racketeering activity or through collection of an unlawful debt an interest in an enterprise affecting interstate commerce;(11) (c) conducting or participating in the conduct of the affairs of an enterprise affecting interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt;(12) or (d) conspiring to participate in any of these activities.(13) RICO's purpose is to remove organized crime from the legitimate business community.(14)... A. Two or More Predicate Acts of Racketeering Activity The first element of RICO requires two or more predicate acts of 'racketeering activity.'(28) RICO defendants need not be convicted of each underlying offense before a civil or criminal RICO offense is charged.(29) Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. These crimes include: (a) certain acts that are chargeable under state laws and punishable by imprisonment for more than one year;(30) (b) acts that are indictable under specified provisions of Title 18;(31)... D. Effect on Interstate Commerce The alleged racketeering activity must affect interstate commerce.(171) Courts initially held that the enterprise itself, and not the predicate acts, must affect interstate commerce.(172) In contrast, many courts now exercise RICO jurisdiction if the predicate acts have a de minimis impact on interstate commerce,(173) demonstrated by 'proof of a probable or potential impact.'(174)...

## Summary

Detailed explanation of the requirements for establishing a RICO violation, including the need for two or more predicate acts of racketeering activity, the effect on interstate commerce, and the purpose of RICO to combat

organized crime. It also clarifies that the predicate acts must have at least a de minimis impact on interstate commerce, which is relevant to the complaint's allegations of interstate activities and communications.

[Vol. 15 No. 1 Pg. 9 Civil Rico in Colorado: New Twists in the Road to Treble Damages](#)

**Colorado Lawyer - Colorado Bar Association - 1986-00-00**

## **Extract**

In summary, the essential elements of a cause of action under § 1962(c) (the most commonly brought type of federal RICO claim) are: participation by the defendant in the conduct of an enterprise, which is engaged in or whose activities affect interstate or foreign commerce, through a pattern of racketeering activity that causes injury to plaintiff in his or her business or property.

## **Summary**

To establish a RICO claim under § 1962(c), a plaintiff must demonstrate that the defendant participated in the conduct of an enterprise engaged in or affecting interstate commerce through a pattern of racketeering activity that caused injury to the plaintiff's business or property. This is a fundamental requirement for a RICO claim and is applicable in federal jurisdictions.

[RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

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

## **Extract**

RICO applies only to those injuries resulting from commission of predicate acts constituting a “pattern of racketeering activity.” The statutory definition of “pattern of racketeering activity” requires at least two predicate acts occurring within ten years of each other. A “pattern of racketeering activity” also requires evidence that the predicate acts are continuous and interrelated, rather than isolated and sporadic. A plaintiff can satisfy RICO’s pattern requirement two ways: by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy.

## **Summary**

For a RICO claim to be valid, it must demonstrate a pattern of racketeering activity, which includes at least two predicate acts that are continuous and



interrelated. The complaint must show either a closed-ended conspiracy with a long-running series of acts or an open-ended conspiracy with a threat of continued activities. The complaint in question attempts to establish a pattern of racketeering activity by detailing multiple predicate acts, including wire fraud, interstate travel, and perjury, over an 18-month period, which aligns with the requirements outlined in the passage.

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

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

##### **Extract**

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce.

##### **Summary**

Essential elements required to establish a RICO claim under § 1962(c), which includes conduct of an enterprise through a pattern of racketeering activity. It emphasizes the necessity of pleading these elements with particularity, especially in cases involving fraud, in compliance with Federal Rule of Civil Procedure 9(b). The passage also highlights the requirement that the enterprise's activities must affect interstate commerce, albeit minimally. This information is crucial for evaluating the adequacy of the complaint in question.

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

##### **Extract**

Civil RICO actions are now ubiquitous, so much so that plaintiffs often attempt to apply the statute to situations that bear little resemblance to the criminal racketeering activity animating the enactment of the statute in the first place. And the potential consequences of these claims need to be taken seriously. Indeed, RICO not only provides a plaintiff a private right of action,



it also contemplates the possibility of treble damages and attorneys' fee awards if a plaintiff can prove the claim. The unfortunate reality is that the mere threat of a RICO claim often can be enough to force a business to the bargaining table.

## **Summary**

Civil RICO claims are often applied in situations that may not align with the original intent of the statute, which was to combat organized crime. The passage emphasizes the seriousness of RICO claims due to the potential for treble damages and attorneys' fees, but also notes the challenges in proving such claims, particularly the need to demonstrate a pattern of racketeering activity and a nexus to interstate commerce. This context is essential for evaluating the complaint's adherence to RICO requirements.

## [RICO: A Primer](#)

### **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. ... 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. The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: \*

Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' \*

Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

## Summary

Detailed explanation of what constitutes "racketeering activities" under RICO, including the requirement for a pattern of racketeering activity, which can be demonstrated through closed-ended or open-ended continuity. The passage also clarifies that the racketeering acts need not be similar but must be related to the affairs of the charged enterprise. This information is crucial for evaluating the complaint's allegations of RICO violations, as it provides the legal framework for assessing whether the alleged acts constitute a pattern of racketeering activity.

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

## Extract

Civil RICO actions are now ubiquitous, so much so that plaintiffs often attempt to apply the statute to situations that bear little resemblance to the criminal racketeering activity animating the enactment of the statute in the first place. And the potential consequences of these claims need to be taken seriously. Indeed, RICO not only provides a plaintiff a private right of action, it also contemplates the possibility of treble damages and attorneys' fee awards if a plaintiff can prove the claim. The unfortunate reality is that the mere threat of a RICO claim often can be enough to force a business to the bargaining table. As a result, businesses from financial institutions to service providers are finding themselves defending against RICO claims in a variety of novel contexts. By way of example, RICO claims have even become a popular claim for those asserting that the 2020 election was marred by fraud. Although the stakes may be high, RICO claims are challenging to prove and often can be dismissed before parties engage in discovery.

## Summary

Civil RICO claims are frequently used in various contexts, not just traditional organized crime. The passage highlights the challenges in proving RICO claims, emphasizing the need for concrete financial loss and the difficulty in establishing a pattern of racketeering activity. It also notes that RICO claims can be dismissed early if they do not meet the stringent requirements. This information is relevant to evaluating the complaint's strength and potential for success in a federal court.

### [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. What is A RICO 'Pattern'? 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. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible concept of a pattern in mind.

## **Summary**

The definition of a RICO enterprise is broad and includes both legitimate and illegitimate entities. The concept of a "pattern" under RICO requires more than just two predicate acts; it requires continuity and relationship among the acts. This understanding is crucial for evaluating the complaint's allegations of a RICO violation, as it must demonstrate a pattern of racketeering activity that meets these criteria.

This memo was compiled by Vincent AI based on vLex materials available as of June 21, 2025. [View full answer on vLex](#)