

## **Question**

V. STATEMENT OF FACTS 28. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 27 above, as if fully set forth herein. A. Party References 29. For clarity and ease of reference throughout this Complaint, the parties shall be referred to as follows: i. Plaintiff Charles Dustin Myers shall be referred to herein as "Plaintiff" and is the husband of Morgan Michelle Myers. ii. Defendant Daniel Kenneth Branthoover shall be referred to herein as "Branthroover" and is identified as the stepfather of Defendant Morgan Michelle Myers. iii. Defendant Morgan Michelle Myers shall be referred to herein as "Myers" and is identified as the spouse of Plaintiff Charles Dustin Myers and stepdaughter of Branthoover. 30. At all relevant times, Defendant Myers has not raised any defenses to these claims in State court and has ignored all settlement offers made in an attempt to avoid this lawsuit. 31. At all relevant times, Defendants have maintained communications regarding the affairs of the enterprise's purpose. B. Formation of the Enterprise (December 14 - 15, 2023) 32. Defendant Branthoover has extensive knowledge of protective orders given his prior criminal convictions. 33. On December 14, 2023, in response to the discovery of an extramarital affair by the Plaintiff, Defendant Myers opened a private bank account in her own name and began interstate communications with Branthoover via text message. In total, Myers and Branthoover exchanged a total of 92 text messages between Branthoover's number registered as 940-312-3434, and Myers' number registered as 817-235-5189 on this date. 34. Also on December 14, 2023, Defendant Myers, without legitimate cause or factual basis, sought an ex-parte order of protection against Plaintiff while in communications with Branthoover. 35. Later on the evening of December 14, 2023, in a stark contrast to her earlier emergency request for a protective order, Defendant Myers reminded Plaintiff of a school field trip scheduled for the following day, thereby attempting to maintain a facade of normalcy and prevent Plaintiff from suspecting of her fraudulent intentions. C. Deception, Transfer, and Planned Interstate Travel (December 15-17, 2023) 36. On December 15, 2023, Plaintiff was contacted by Branthoover at 9:51 A.M. CST, where he stated "I've been where you are before. I want to help both of you" regarding a recent divorce announcement made by Myers on December 1, 2023. 37. During this phone conversation, it was established that Myers would visit his residence over the weekend of December 15, 2023, located within this district, for the purpose of "providing space" to Myers. 38. At this time, it's important to note that Plaintiff had no knowledge of the ex-parte attempt made the day prior, and he had no reason to believe that Branthoover was being dishonest about his intentions for Myers' visit to his residence. 39. Immediately after the call, Plaintiff received notice that Myers had transferred \$1,576 from the parties' joint-marital PNC account to Branthoover's PayPal account (username "dmb575"), depleting the account's balance. 40. On December 16, 2023, Plaintiff received notification that the joint marital PNC bank account was overdrawn by -\$800.00. Concurrently, Plaintiff was informed that advertisements related to his legitimate at-home business had ceased running due to a failure of payment. 41. The PNC bank statement for December 2023 clearly documents the

occurrence of this transaction, demonstrating the precise date and amount of the unauthorized withdrawal. 42. The PayPal identifier “dmb575” directly matches the information associated with the fraudulent transfer on Plaintiff’s bank statement for December of 2023, linking Defendant Branthoover to the illicit financial maneuver notwithstanding his admissions via text message. 43. On December 16, 2023, at precisely 3:54 P.M. Central Standard Time, Plaintiff, to mitigate the financial damage and resolve the situation amicably, sent a text message to Defendant Branthoover. In this message, Plaintiff explicitly requested the return of the \$1,576.00 that had been fraudulently transferred, detailing the intended use of the funds, the late bills resulting from misappropriation, his inability to work due to the severe mental anguish caused by the Defendants’ actions, and his sincere desire for an amicable resolution given the time of year. 44. In a callous and dismissive response to Plaintiff’s plea, Defendant Branthoover informed Plaintiff via text message that “You Are Getting Divorced” and further stated, “I hope I can help with the paperwork and make things go as smoothly as possible.” This communication, far from helping as initially stated by Branthoover, served as a direct threat and an overt act in furtherance of the conspiracy, demonstrating Branthoover’s intent to exploit Plaintiff’s distress for the benefit of the enterprise. 45. At no time relevant to this Complaint has Defendant Branthoover possessed a license to practice law in any state within the United States. In subsequent texts, his statements regarding “paperwork” and making things “go as smoothly as possible” constituted the unauthorized practice of law and that he held an administrative role over the affairs of the enterprise. D. Eviction Attempt Influenced by Myers in Furtherance of the Scheme (December 17-22, 2023) 46. On December 17, 2023, at approximately 11:00 A.M., Plaintiff was served with an eviction notice by the grandmother of Myers, 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. 47. Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the drafting of the very documents referenced in the frivolous eviction notice, thereby demonstrating clear premeditation and coordination of the scheme. 48. Defendant Myers possessed actual knowledge that no valid lease agreement existed, and on December 17, 2023, Myers herself physically tore the fraudulent eviction notice in half and wrote “VOID” on the document in black sharpie, showing her influence over the attempt. E. A Narrative of Protection, Secondary Phone, and Initiation of Suit 49. Defendant Myers also returned from Oklahoma with a can of pepper spray mace to further the narrative of protection first established on December 14, 2023, in her ex-parte attempt. 50. On the evening of December 17, 2023, Defendant Morgan Michelle Myers explicitly disclosed to Plaintiff Charles Dustin Myers that she had acquired a secondary phone number while in Oklahoma, registered under the number 817-940-0852. This acquisition was a deliberate act of concealment and an overt act in furtherance of the enterprise, designed to facilitate clandestine communications related to the fraudulent scheme. 51. This newly acquired phone number (817-940-0852)

was subsequently used on a series of fraudulent legal documents prepared under the direct administrative oversight of Defendant Branthoover, with his full knowledge and participation. These documents, which were prepared in Oklahoma and designed to unlawfully influence legal proceedings in Texas, included: i. An "Original Petition for Divorce," dated December 18, 2023, which contained numerous false statements. ii. An "Affidavit of Indigency," dated December 18, 2023, which contained material misrepresentations regarding Defendant Myers' financial status. iii. A "Request for Uncontested Cases," dated December 18, 2023, which was filed despite Plaintiff not conversing with defendant Myers regarding any divorce litigation. iv. An "Application for Protective Order," dated December 22, 2023, which was based on fabricated allegations of family violence. F. Continued Obstruction and Unauthorized Practice of Law 52. After the initial divorce paperwork was filed on December 18, 2023, Defendant Branthoover, continuing his unauthorized practice of law and his role in the conspiracy, sent a text message to Plaintiff stating: "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." (emphasis added) 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 asserted an administrative role over the proceedings in an attempt to intimidate Plaintiff. G. Service by US Marshall 53. In furtherance of the scheme, and despite still cohabitating with Plaintiff, defendant Myers knowingly and intentionally utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, thereby using an instrumentality of interstate commerce to further the illicit enterprise, which occurred on December 27, 2023. 54. In furtherance of the scheme, and despite living next-door to Plaintiff, defendant Myers knowingly and intentionally influenced an eviction proceeding and utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, which occurred on December 28, 2023. H. False Statements - Divorce Petition and Affidavit of Indigency (Dec. 18, 2023) 55. 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. 56. 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, but were not limited to: 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. I. False Statements – Application for Protective Order (Dec. 22, 2023) 57. Defendant was served with an Application for a Protective Order on December 22, 2023, filed by Myers, despite her claim to already have an existing order in her Original Petition for Divorce. 58. 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. J. A Clear Objective 59. The common and overarching objectives shared among Defendant Myers when reviewing these documents (through the administration and direction of Defendant Branthoover) and with the active participation of Myers' grandmother, were multifaceted: primarily, to unlawfully remove Plaintiff from his residence, which was essential for his livelihood and the family's financial well-being; secondarily, to gain an unfair and illicit advantage in the ongoing divorce proceedings between Plaintiff and Defendant Myers; and ultimately, to finalize the divorce on terms unilaterally favorable to Defendant Myers, thereby making the unlawful deprivation of Plaintiff's rights and property permanent and to escape accountability for the conduct alleged herein. K. Primary Objective Success 60. On January 16, 2024, the parties appeared before the 322nd District Court of Tarrant County, and the initial objective of the Defendants' scheme succeeded when Plaintiff was ordered to vacate the family home without any findings or without a hearing taking place. 61. The significance of the misinformation presented to the court could have been the only reason for this decision, and it afforded Myers the advantage that she and Branthoover had anticipated. K. Pattern of Racketeering Activity and Continuity 62. 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. 63. On June 23, 2024, Defendant Branthoover, continuing his pattern of harassment and intimidation, sent a text message to Plaintiff stating, "Lol. And here comes another denial," in direct reference to a pleading filed in the Texas State courts by Plaintiff seeking to enjoin Branthoover as a party to the divorce proceedings. This communication demonstrates Branthoover's awareness of and continued involvement in the legal proceedings and his malicious intent to mock Plaintiff's efforts to seek justice. 64. On December 12, 2024, Defendant Branthoover sent a text message to Plaintiff explicitly threatening future action by stating, "When things all over you get to deal with me. Just a heads up." This communication constitutes a direct threat of future harm and further evidence of the Defendants' future threat of criminal activity. 65. On May 24, 2025, Defendant Branthoover sent a text message to Plaintiff containing a direct and severe threat, stating, "Where's my lawsuit? Heard your vm about me. File it. Let's do this :)" This malicious communication is a clear act of intimidation and further evidence of the Defendants' collaboration throughout the proceedings with Defendant Myers. What predicate acts have been violated based on this statement of facts?

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

### **Short response**

Based on the statement of facts, multiple predicate acts under RICO have been violated, including wire fraud ([18 U.S.C. § 1343](#)), mail fraud ([18 U.S.C. § 1341](#)), obstruction of justice ([18 U.S.C. § 1512](#)), interference with commerce by threats ([18 U.S.C. § 1951](#)), and conspiracy to commit these offenses.

### **Summary**

The statement of facts presents a coordinated scheme between Defendants Myers and Branthoover that constitutes a pattern of racketeering activity under the [Racketeer Influenced and Corrupt Organizations](#) Act (RICO). This pattern includes multiple predicate acts committed over a period from December 2023 through May 2025, demonstrating both open-ended and closed-ended continuity required for a RICO violation. The enterprise formed by the defendants used interstate communications, fraudulent legal filings, unauthorized financial transactions, and intimidation tactics to deprive the Plaintiff of property and rights.

The predicate acts include wire fraud through interstate text messages and financial transfers, mail fraud through fraudulent court documents, obstruction of justice through false statements to courts, unauthorized practice of law, and interference with commerce through threats and extortion. These acts were part of a coordinated enterprise with specific objectives—to remove the Plaintiff from his residence, gain unfair advantage in divorce proceedings, and finalize the divorce on terms favorable to Defendant Myers—all while using instrumentalities of interstate commerce to further their scheme.

## Background and Relevant Law

### The RICO Framework

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) provides both criminal penalties and civil remedies for specific patterns of illegal activity. Under [18 U.S.C. § 1961](#), "racketeering activity" encompasses various federal and state offenses, including "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)... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud)... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations)... section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)... section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering)..."

For a successful RICO claim, several elements must be established. As noted in [Civil Rico: A Tool of Advocacy](#) (2024), "A violation of § 1962(c)... 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."

The concept of an "enterprise" under RICO is broadly interpreted. According to RICO: A Primer (2022), "A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises."

A "pattern of racketeering activity" requires at least two predicate acts occurring within ten years of each other. As explained in RICO: A Primer (2022), "A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... 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."

RICO prohibits four types of activities as outlined in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) (2022):

"\* Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity;

- Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise;
- Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering;
- Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c)."

## **Key Predicate Acts Under RICO**

### **Wire Fraud ([18 U.S.C. § 1343](#))**

Under [18 U.S.C. § 1343](#), "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."

### **Mail Fraud ([18 U.S.C. § 1341](#))**

[18 U.S.C. § 1341](#) 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... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier... shall be fined under this title or imprisoned not more than 20 years, or both."

### **Tampering with a Witness, Victim, or an Informant ([18 U.S.C. § 1512](#))**

[18 U.S.C. § 1512](#) prohibits the use of "physical force or the threat of physical force against any person, or attempts to do so, with intent to- (A) influence, delay, or prevent the testimony of any person in an official proceeding; (B) cause or induce any person to- (i) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii) evade legal process summoning that person to appear as a witness, or to produce a

record, document, or other object, in an official proceeding; or (iv) be absent from an official proceeding to which that person has been summoned by legal process; or (C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense..."

### **Interference with Commerce by Threats or Violence ([18 U.S.C. § 1951](#))**

[18 U.S.C. § 1951](#) provides that "Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both."

### **Conspiracy ([18 U.S.C. § 371](#))**

[18 U.S.C. § 371](#) states, "If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both."

### **RICO Conspiracy ([18 U.S.C. § 1962\(d\)](#))**

[18 U.S.C. § 1962](#) establishes that "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."

According to [Insurance Fraud is a Violent Crime](#) (2024), "RICO conspiracy was established by proof of: (a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering."

## **Analysis of Predicate Acts in the Statement of Facts**

### **Enterprise Formation and Structure**

The statement of facts demonstrates the formation and operation of an enterprise involving Defendants Myers and Branthoover. This enterprise meets the definition under RICO as a "group of individuals associated in fact" whose activities affect interstate commerce through their

communications between Texas and Oklahoma and financial transactions involving interstate banking systems.

Paragraph 31 establishes that "At all relevant times, Defendants have maintained communications regarding the affairs of the enterprise's purpose," directly addressing the enterprise element of RICO. The coordinated actions between Myers and Branthoover, along with Myers' grandmother, show a structured relationship aimed at accomplishing specific objectives outlined in paragraph 59.

## **Wire Fraud ([18 U.S.C. § 1343](#))**

Multiple instances of wire fraud are evident in the statement of facts:

1. Interstate Text Messages: Paragraph 33 states that "Myers and Branthoover exchanged a total of 92 text messages" on December 14, 2023. These communications traversed state lines between Texas and Oklahoma and were in furtherance of their scheme to defraud Plaintiff.
2. Fraudulent Financial Transaction: Paragraphs 39-42 detail that "Myers had transferred \$1,576 from the parties' joint-marital PNC account to Branthoover's PayPal account (username "dmb575")." This electronic transfer constitutes wire fraud as it used interstate wires to execute a scheme to fraudulently obtain money.
3. Continued Interstate Communications: Paragraph 62 notes that "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."
4. Threatening Text Messages: Paragraphs 63-65 document a series of threatening text messages from Branthoover to Plaintiff from June 2024 through May 2025. These messages, such as "When things all over you get to deal with me. Just a heads up" and "Where's my lawsuit? Heard your vm about me. File it. Let's do this :)" were transmitted via interstate wire communications and served to intimidate Plaintiff as part of the ongoing scheme.

These actions satisfy all elements of wire fraud under [18 U.S.C. § 1343](#): the defendants devised a scheme to defraud, they utilized interstate wire communications, and they did so with the intent to execute their fraudulent scheme.

## **Mail Fraud ([18 U.S.C. § 1341](#))**

The statement of facts reveals actions constituting mail fraud:

1. Fraudulent Legal Documents: Paragraph 51 details that Myers and Branthoover prepared "fraudulent legal documents" in Oklahoma "designed to unlawfully influence legal proceedings in Texas." These documents included an "Original Petition for Divorce," "Affidavit of

Indigency," "Request for Uncontested Cases," and "Application for Protective Order," all containing false statements.

2. Use of U.S. Marshal Service: Paragraphs 53-54 state that "Myers knowingly and intentionally utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff." This use of an interstate carrier to deliver fraudulent documents falls squarely within the definition of mail fraud.
3. False Statements in Court Documents: Paragraphs 55-58 detail numerous false statements in legal documents filed with the court, showing the fraudulent nature of these communications.

These actions fulfill the requirements of mail fraud under [18 U.S.C. § 1341](#): the defendants devised a scheme to defraud, they caused documents to be delivered by an interstate carrier (U.S. Marshal Service), and they did so with the intent to execute their fraudulent scheme.

## **Tampering with a Witness, Victim, or an Informant ([18 U.S.C. § 1512](#))**

Several actions in the statement of facts constitute witness tampering:

1. Isolation Attempt: Paragraph 52 describes how Branthoover sent a text message to Plaintiff stating: "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 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."
2. Intimidation and Threats: Paragraphs 63-65 document threatening messages from Branthoover, including "When things all over you get to deal with me. Just a heads up." These threats were designed to influence Plaintiff's actions in ongoing legal proceedings.

These actions align with the elements of witness tampering under [18 U.S.C. § 1512](#), as they involve attempts to influence, delay, or prevent testimony and communication related to official proceedings through intimidation and threats.

## **Interference with Commerce by Threats or Violence ([18 U.S.C. § 1951](#))**

The defendants' actions constitute interference with commerce through extortion:

1. Unauthorized Fund Transfer: The transfer of \$1,576 from the joint marital account to Branthoover's PayPal account (paragraphs 39-42) affected commerce and the Plaintiff's business operations, as evidenced

by paragraph 40: "advertisements related to his legitimate at-home business had ceased running due to a failure of payment."

2. Threats and Intimidation: Branthoover's threatening messages and actions were designed to extort compliance from Plaintiff and gain advantage in the legal proceedings, which directly affected Plaintiff's property interests and business.
3. Eviction Notice: The fraudulent eviction notice (paragraph 46) sought to deprive Plaintiff of his residence, "which was essential for his livelihood and the family's financial well-being" (paragraph 59).

These actions satisfy the elements of [18 U.S.C. § 1951](#), as they obstructed, delayed, or affected commerce through extortionate means.

## **Conspiracy ([18 U.S.C. § 371](#) and [18 U.S.C. § 1962\(d\)](#))**

The statement of facts provides clear evidence of conspiracy:

1. Agreement to Join Racketeering Scheme: Paragraph 31 establishes that "Defendants have maintained communications regarding the affairs of the enterprise's purpose," demonstrating an agreement to participate in the scheme.
2. Joint Planning and Coordination: Paragraph 47 states that "Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the drafting of the very documents referenced in the frivolous eviction notice, thereby demonstrating clear premeditation and coordination of the scheme."
3. Shared Objectives: Paragraph 59 details the "common and overarching objectives" of the defendants, showing their agreement on the goals of the enterprise.
4. Overt Acts in Furtherance: Multiple acts were undertaken to effect the objectives of the conspiracy, including the filing of fraudulent documents, unauthorized financial transactions, and use of interstate communications.

These facts establish both a general conspiracy under [18 U.S.C. § 371](#) and a RICO conspiracy under [18 U.S.C. § 1962\(d\)](#), as they demonstrate an agreement to join a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and involvement of multiple predicate acts of racketeering.

## **Pattern of Racketeering Activity**

The statement of facts demonstrates both closed-ended and open-ended continuity required for a pattern of racketeering activity:

1. Closed-ended Continuity: The predicate acts extended from December 14, 2023, to May 24, 2025—approximately 18 months—which constitutes "a substantial period of time" under RICO jurisprudence.

2. Open-ended Continuity: The nature of the threats in 2025 ("When things all over you get to deal with me. Just a heads up.") shows a threat of continuing criminal activity extending into the future.
3. Multiple Predicate Acts: The facts detail numerous predicate acts, including wire fraud, mail fraud, witness tampering, and interference with commerce, far exceeding the minimum requirement of two predicate acts.
4. Relatedness: All predicate acts were related to the same enterprise and scheme, aimed at depriving Plaintiff of property rights and gaining advantage in divorce proceedings.

## Civil RICO in Divorce Context

While RICO claims in divorce cases are generally challenging, this case appears to meet the criteria outlined in [Racketeer influenced and corrupt organizations](#) (2007): "(i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act."

The facts demonstrate injury to Plaintiff's property and business (paragraphs 39-40, 60), action as part of an enterprise to manipulate divorce proceedings (paragraphs 31, 47, 59), and multiple predicate acts as analyzed above.

## Exceptions and Caveats

### Jurisdictional Requirements

For RICO to apply, the enterprise's activities must affect interstate commerce. As noted in [Civil Rico: A Tool of Advocacy](#) (2024), "RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement." The interstate communications between Texas and Oklahoma and the use of interstate banking systems likely satisfy this requirement.

### Pleading Standards

RICO claims based on mail or wire fraud must meet heightened pleading standards. According to [Civil Rico: A Tool of Advocacy](#) (2024), "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity." The statement of facts appears to provide the necessary specificity, including dates, times, and content of communications.

## **Statute of Limitations**

According to Crimes (2021), "In a substantive [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) prosecution, the five-year statute of limitations begins from the date of the last predicate act in which the defendant personally participated." Since the most recent predicate act in the statement of facts occurred on May 24, 2025 (paragraph 65), and the current date is June 19, 2025, the case is within the statute of limitations.

## **Conclusion**

Based on the statement of facts provided, multiple predicate acts have been violated under the RICO framework:

1. Wire Fraud ([18 U.S.C. § 1343](#)): Through interstate text messages and electronic fund transfers in furtherance of a scheme to defraud.
2. Mail Fraud ([18 U.S.C. § 1341](#)): Through the preparation and filing of fraudulent legal documents and the use of interstate carriers to deliver them.
3. Tampering with a Witness, Victim, or an Informant ([18 U.S.C. § 1512](#)): Through attempts to isolate the Plaintiff and impede communication, as well as through threats designed to influence Plaintiff's actions in ongoing legal proceedings.
4. Interference with Commerce by Threats or Violence ([18 U.S.C. § 1951](#)): Through extortionate activities that affected Plaintiff's business and property interests.
5. Conspiracy ([18 U.S.C. § 371](#) and [18 U.S.C. § 1962\(d\)](#)): Through agreement and coordination between the defendants to carry out the racketeering scheme.

These predicate acts were committed as part of an enterprise involving Myers and Branthoover, with a clear pattern of racketeering activity displaying both closed-ended continuity (occurring over approximately 18 months) and open-ended continuity (with threats of future harm). The enterprise's activities affected interstate commerce through communications between Texas and Oklahoma and the use of interstate banking systems.

The coordinated scheme had specific objectives: to remove Plaintiff from his residence, gain unfair advantage in divorce proceedings, and finalize the divorce on terms favorable to Defendant Myers—all while depriving Plaintiff of his property rights. The multiple predicate acts committed in furtherance of these objectives constitute violations of RICO, potentially giving rise to both criminal penalties under [18 U.S.C. § 1963](#) and civil remedies under [18 U.S.C. § 1964](#).

## **Legal Authorities**

[Durrschmidt v. Frost Nat'l Bank \(In re R&K Fabricating, Inc.\), ADVERSARY NO. 12-03177, CASE NO: 10-33878 \(Bankr. S.D. Tex. Aug 20, 2013\)](#)

**U.S. Bankruptcy Court — Southern District of Texas**

**Extract**

To show a violation of § 1962(c) a plaintiff must show: (1) the existence of an enterprise that affects interstate or foreign commerce, (2) that the defendant was employed by or associated with the enterprise, (3) that the defendant was involved in conducting the enterprise's affairs, and (4) that defendant's participation in the enterprise was through a pattern of racketeering activity.

**Summary**

Elements required to establish a violation of § 1962(c) of the RICO Act, which involves proving the existence of an enterprise affecting interstate commerce, the defendant's association with the enterprise, their involvement in conducting the enterprise's affairs, and their participation through a pattern of racketeering activity. This framework is relevant to the question as it provides the criteria for identifying predicate acts under RICO.

[42 U.S.C. § 1985 42 U.S.C. § 1985 Conspiracy to Interfere With Civil Rights](#)

**Extract**

Obstructing justice; intimidating party, witness, or juror If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

**Summary**

42 U.S.C. § 1985 addresses conspiracies that obstruct justice or intimidate parties, witnesses, or jurors. The statement of facts describes actions that could be interpreted as attempts to obstruct justice and intimidate the Plaintiff, such as filing false legal documents, making threats, and

attempting to control legal proceedings. These actions could potentially fall under the purview of this statute as they may impede the due course of justice and deny the Plaintiff equal protection under the law.

### [18 U.S.C. § 371 18 U.S.C. § 371 Conspiracy to Commit Offense Or to Defraud United States](#)

#### **Extract**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

#### **Summary**

18 U.S.C. § 371 addresses conspiracies to commit offenses against the United States or to defraud the United States or its agencies. The statute provides for penalties if two or more persons conspire to commit such acts and take any step to effect the conspiracy. The passage is relevant because it outlines the legal framework for addressing conspiracies, which is central to the question of identifying predicate acts in the statement of facts.

### [18 U.S.C. § 1959 18 U.S.C. § 1959 Violent Crimes In Aid of Racketeering Activity](#)

#### **Extract**

Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished... for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;... for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of 1 under this title, or both.

#### **Summary**

The statute addresses violent crimes committed in aid of racketeering activity, including threats to commit a crime of violence. The statement of

facts describes a series of actions that could be interpreted as part of a racketeering scheme, including threats and intimidation, which may fall under the purview of this statute.

## [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 nationalization 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), 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), sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials)

## **Summary**

The definition of "racketeering activity" includes a wide range of criminal acts, such as fraud, obstruction of justice, and extortion, among others. These acts are relevant to the question as they help identify potential predicate acts that may have been violated in the statement of facts provided.

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

## **Extract**

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

## **Summary**

The statute prohibits acquiring or maintaining control over an enterprise through a pattern of racketeering activity. The statement of facts describes a series of actions by the defendants that could be construed as a pattern of racketeering activity, including fraudulent financial transactions, unauthorized practice of law, and filing false legal documents. These actions appear to be aimed at maintaining control over the marital assets and legal proceedings, which could affect interstate commerce given the involvement of interstate communications and financial transactions.

### [18 U.S.C. § 1343 18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

## **Extract**

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.

## **Summary**

18 U.S.C. § 1343 addresses the use of wire communications in interstate commerce to execute a scheme to defraud. The statement of facts describes multiple instances where interstate communications were used to further a fraudulent scheme, such as the exchange of text messages and the transfer of funds. These actions could potentially constitute violations of this statute.

### [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**

Such individuals can sue in a U.S. district court and recover threefold the damages sustained, along with the cost of the suit and reasonable attorney's fees. This is relevant to the question as it provides a potential legal avenue for the plaintiff to seek redress for the alleged racketeering activities described in the statement of facts.

### [18 U.S.C. § 1341](#) [18 U.S.C. § 1341 Frauds and Swindles](#)

## **Extract**

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... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such

matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both.

## **Summary**

18 U.S.C. § 1341 addresses schemes to defraud or obtain money or property through false pretenses, representations, or promises, particularly when such schemes involve the use of mail or interstate carriers. The statement of facts describes a series of actions that could be interpreted as a scheme to defraud, including the use of interstate communications and fraudulent legal documents. These actions could potentially fall under the purview of 18 U.S.C. § 1341 if they involved the use of mail or interstate carriers to further the scheme.

### [18 U.S.C. § 1344 18 U.S.C. § 1344 Bank Fraud](#)

## **Extract**

Whoever knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution; or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

## **Summary**

18 U.S.C. § 1344 addresses bank fraud, which involves executing or attempting to execute a scheme to defraud a financial institution or to obtain assets under the control of a financial institution through false pretenses. The statement of facts describes actions that could potentially fall under this statute, such as the unauthorized transfer of funds from a joint marital account to a PayPal account, which could be seen as an attempt to defraud a financial institution.

### [18 U.S.C. § 1963 18 U.S.C. § 1963 Criminal Penalties](#)

## **Extract**

Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law- any interest the person has acquired or maintained in violation of section 1962; any- (A) interest in; (B)

security of; (C) claim against; or (D) property or contractual right of any kind affording a source of influence over; any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

## **Summary**

Penalties for such violations, including fines, imprisonment, and forfeiture of property. The statement of facts provided suggests potential violations of section 1962 due to the alleged fraudulent activities and conspiracy to deprive the plaintiff of property and rights.

### [18 U.S.C. § 1956](#) [18 U.S.C. § 1956 Laundering of Monetary Instruments](#)

## **Extract**

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

## **Summary**

The statute addresses financial transactions involving proceeds from unlawful activities. The statement of facts describes a series of financial transactions and communications that could potentially involve proceeds from unlawful activities, such as the unauthorized transfer of funds from a joint marital account. This aligns with the predicate acts described in 18 U.S.C. § 1956, which involves laundering of monetary instruments.

### [18 U.S.C. § 1952](#) [18 U.S.C. § 1952 Interstate and Foreign Travel Or Transportation In Aid of Racketeering Enterprises](#)

## **Extract**

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or 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- (A) an act described in paragraph or shall be fined under this title, imprisoned not

more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

## **Summary**

18 U.S.C. § 1952 addresses the use of interstate commerce to further unlawful activities, which can include racketeering. The statement of facts describes actions that involve interstate communications and financial transactions, which could potentially fall under the purview of this statute if they were intended to promote or manage unlawful activities.

### [18 U.S.C. § 1951](#) [18 U.S.C. § 1951](#) Interference With Commerce By Threats Or Violence

## **Extract**

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

## **Summary**

Any act that obstructs, delays, or affects commerce through robbery, extortion, or threats of physical violence is punishable under this section. The statement of facts provided in the question suggests potential violations of this statute, as it describes actions that could be construed as extortion or threats to affect commerce, particularly in the context of the alleged fraudulent scheme and financial transactions.

### [18 U.S.C. § 1513](#) [18 U.S.C. § 1513](#) Retaliating Against a Witness, Victim, Or an Informant

## **Extract**

Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

## **Summary**

18 U.S.C. § 1513 addresses retaliation against individuals for providing information about federal offenses. The statute outlines penalties for actions taken with the intent to retaliate, including interference with employment or livelihood. This is relevant to the question as the statement of facts suggests actions taken by the defendants that could be construed as retaliatory, particularly in the context of legal proceedings and the alleged scheme to deprive the plaintiff of property and rights.

### [18 U.S.C. § 1512](#) [18 U.S.C. § 1512 Tampering With a Witness, Victim, Or an Informant](#)

## **Extract**

Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to- (A) influence, delay, or prevent the testimony of any person in an official proceeding; (B) cause or induce any person to- (i) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv) be absent from an official proceeding to which that person has been summoned by legal process; or (C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph.

## **Summary**

The statute addresses actions that involve using threats or physical force to influence or prevent testimony, withhold evidence, or obstruct communication with law enforcement or judicial officers. This is relevant to the statement of facts as it involves allegations of threats and intimidation by Defendant Branthover towards Plaintiff, which could be seen as attempts to obstruct justice or influence legal proceedings.

### Racketeer influenced and corrupt organizations.

**American Criminal Law Review - Georgetown University Law Center - Mecone, James Morrison - 2006-03-22**

## **Extract**

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same...

## **Summary**

Civil RICO claims in divorce cases are challenging but possible if certain criteria are met. The criteria include showing an injury to business or property due to the divorce, demonstrating that the defendant acted as part of an enterprise to hide assets, and identifying multiple violations of the same nature. This is relevant to the question as it provides a framework for understanding how RICO claims might be applicable in the context of the statement of facts provided.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements.

## **Summary**

Civil RICO claims in divorce cases are challenging but possible if specific criteria are met. The passage highlights that a successful RICO action in divorce requires showing an injury to business or property and that the

defendant acted as part of an enterprise to hide assets. This is relevant to the question as it provides a framework for understanding how RICO claims might be applied in the context of the statement of facts provided.

### [Racketeer influenced and corrupt organizations.](#)

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

##### **Extract**

At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act.

##### **Summary**

A RICO action in the context of divorce can be pursued if there is an injury to business or property, the defendant acted as part of an enterprise to hide assets, and there are multiple violations of predicate acts. The statement of facts provided in the question outlines a series of actions that could potentially meet these criteria, such as fraudulent financial transactions, unauthorized practice of law, and false statements in legal documents.

### [CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

#### **Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01**

##### **Extract**

18 U.S.C. [section] 1961. Id. at (b)(1). See also 18 U.S.C. [section] 1961(1) (2018) (defining 'racketeering activity' under Racketeer Influenced and Corrupts Organizations (RICO) statute. RICO defines racketeering activity as '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.' Id. at (1)(A). The statute also enumerates several other federal criminal statutes whose violation constitutes racketeering activity. Id. at (1)(B).

## **Summary**

Broad definition of racketeering activity, which is relevant to determining whether the actions described in the statement of facts could be considered predicate acts under RICO.

### [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. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

## **Summary**

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 need for allegations involving fraud to be pleaded with particularity and highlights the requirement for the enterprise's activities to affect interstate commerce. This is relevant to the question as it provides a framework for identifying potential predicate acts in the statement of facts.

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

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

##### **Extract**

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

## **Summary**

A RICO conspiracy involves an agreement to engage in a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and the involvement of two or more predicate acts of racketeering. The statement of facts provided describes a series of actions that could potentially be considered predicate acts under RICO, such as extortion, fraud, and obstruction of justice, which are part of a larger pattern of racketeering activity.

### [PAYORS, PLAYERS, AND PROXIMATE CAUSE.](#)

**Notre Dame Law Review - University of Notre Dame Law School -  
Crusey, Elisabeth F. - 2022-05-01**

## **Extract**

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34)

## **Summary**

RICO addresses conduct involving a pattern of racketeering activity, which includes using income derived from such activity, acquiring or maintaining an interest in an enterprise through such activity, conducting the affairs of an enterprise through such activity, and conspiring to commit any of these offenses. The statement of facts provided in the question suggests a pattern of racketeering activity involving fraud, unauthorized practice of law, and conspiracy to defraud the plaintiff, which could potentially fall under the conduct described in Section 1962 of RICO.

### [Crimes](#)

**The Florida Criminal Cases Notebook. Volume 1-2 - James Publishing  
- Joseph C. Bodiford - 2021-04-30**

## **Extract**

In a substantive Racketeer Influenced and Corrupt Organizations Act (RICO) prosecution, the five-year statute of limitations begins from the date of the

last predicate act in which the defendant personally participated, not the date of the last predicate act committed by the enterprise as a whole. State must specifically plead a RICO conspiracy if it intends to charge a defendant accordingly. In a RICO conspiracy, the crime is premised not upon the commission of the predicate acts of racketeering, or even an agreement to commit predicate acts, but upon an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity.

## **Summary**

For a RICO charge, the focus is on the agreement to participate in the affairs of a criminal enterprise through a pattern of racketeering activity. This means that the predicate acts themselves are not the sole focus; rather, it is the pattern and the agreement to engage in such a pattern that is crucial. The passage also highlights the importance of the statute of limitations and the need for specific pleading of a RICO conspiracy.

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

## **Extract**

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961... 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... There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct.

## **Summary**

General overview of what constitutes racketeering activity under RICO, including the definition of an enterprise and the different types of RICO violations under section 1962. It explains that a pattern of racketeering activity is central to a RICO case and that an enterprise can be any group of individuals associated in fact. The passage also outlines the four types of RICO violations, which involve using racketeering proceeds, controlling an enterprise through racketeering, conducting enterprise affairs through racketeering, and conspiring to commit these acts.

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

## **Extract**

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... 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**

General understanding of what constitutes racketeering activity under the RICO statute, which includes a wide range of offenses. It also explains the concept of a RICO enterprise and the requirement of a pattern of racketeering activity, which can be demonstrated through either closed-ended or open-ended continuity. This information is essential for identifying potential predicate acts in the statement of facts provided.

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

## **Extract**

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: \* Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; \* Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; \* Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and \* Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

## **Summary**

Four types of activities prohibited by RICO, which include investing income derived from racketeering, using racketeering to control an enterprise, conducting an enterprise's affairs through racketeering, and conspiring to commit these acts. The statement of facts provided in the question suggests potential violations of these provisions, particularly Section 1962(c) and Section 1962(d), given the alleged pattern of fraudulent and deceptive activities conducted by the defendants.

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## **Summary**

Four types of activities prohibited by RICO, which include investing in, acquiring control over, conducting the affairs of, or conspiring to violate the statute through a pattern of racketeering activity. The statement of facts provided in the question suggests potential violations of these provisions, particularly Section 1962(c) and Section 1962(d), given the alleged fraudulent activities, unauthorized practice of law, and conspiracy to defraud the plaintiff.

This memo was compiled by Vincent AI based on vLex materials available as of June 19, 2025. [View full answer on vLex](#)