

Question

Morgan Michelle Myers and Daniel Branthoover collaborated to devise a scheme involving the preparation and use of false court documents. Under 18 U.S.C. § 1961(4), an "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity. The collaboration between Morgan and Daniel to achieve a common purpose (removing the husband from the family home through fraudulent means) constitutes an "association-in-fact" enterprise under RICO.

Answer (U.S. Federal)

Short response

The collaboration between Morgan Michelle Myers and Daniel Branthoover to prepare and use false court documents for the purpose of removing the husband from the family home constitutes an "association-in-fact" enterprise under RICO. Their partnership satisfies the required elements of an association-in-fact enterprise: a common purpose, relationships among associates, and sufficient longevity to pursue the enterprise's purpose.

Summary

Under the [Racketeer Influenced and Corrupt Organizations](#) Act (RICO), an "enterprise" is broadly defined in [18 U.S.C. § 1961](#)(4) to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." The Supreme Court has established that an association-in-fact enterprise requires three structural features: a common purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose. The collaboration between Morgan Michelle Myers and Daniel Branthoover to prepare and use false court documents to remove a husband from the family home meets these requirements.

The RICO statute is intentionally broad in its definition of "enterprise" and courts have consistently interpreted it liberally to effectuate its remedial purposes. The association between Morgan and Daniel satisfies the requirements of an association-in-fact enterprise under RICO because they collaborated toward a common fraudulent purpose, developed a relationship to achieve this end, and maintained their association long enough to pursue their objective of using false court documents to remove the husband from the family home. This analysis is supported by extensive case law establishing that even small, informal groupings focused on criminal activities can constitute RICO enterprises.

Background and Relevant Legislation

RICO Statutory Provisions

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) defines an "enterprise" in [18 U.S.C. § 1961\(4\)](#) as including "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#). This definition is intentionally broad, encompassing both legitimate and illegitimate entities, as well as formal and informal associations.

RICO further prohibits specific activities related to such enterprises in [18 U.S.C. § 1962](#), which states that "[i]t 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." [18 U.S.C. § 1962](#). The statute also 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](#).

Additionally, the statute prohibits conspiracy to violate these provisions, stating that "[i]t shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962](#).

Case Law Interpreting "Association-in-Fact" Enterprises

Supreme Court Precedent

The Supreme Court has provided authoritative guidance on what constitutes an "association-in-fact" enterprise under RICO. In [United States v. Turkette, 452 U.S. 576 \(1981\)](#), the Court established that an "enterprise" includes both legitimate and illegitimate organizations. The Court stated that an enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct" and that it is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." [United States v. Turkette, 452 U.S. 576, 583 \(1981\)](#). It should be noted that Turkette was abrogated by [United States v. Lane, 474 U.S. 438 \(1986\)](#), but the abrogation related to harmless error analysis and did not affect Turkette's interpretation of what constitutes an "enterprise" under RICO.

The Supreme Court further clarified the requirements for an association-in-fact enterprise in [Boyle v. United States, 556 U.S. 938 \(2009\)](#). The Court emphasized that the statutory definition of "enterprise" is expansive and that "the term 'any' ensures that the definition has a wide reach." [Boyle v.](#)

[United States, 556 U.S. 938, 944 \(2009\)](#) as cited in [United States v. Kelly, 609 F.Supp.3d 85 \(E.D.N.Y. 2022\)](#). The Court identified three structural features necessary for an association-in-fact enterprise: "(1) a purpose, (2) relationships among those associated with the enterprise, (3) longevity sufficient to permit these associates to pursue the enterprise's purpose." [Boyle v. United States, 556 U.S. 938, 946 \(2009\)](#) as cited in [McGillvary v. Scutari, 23-cv-22605-JMY \(D.N.J. Dec 23, 2024\)](#).

The Boyle Court emphasized that "the very concept of an association in fact is expansive," in keeping with RICO's directive that "its terms are to be liberally construed to effectuate its remedial purposes." [Boyle v. United States, 556 U.S. 938, 946 \(2009\)](#) as cited in [McGillvary v. Scutari, 23-cv-22605-JMY \(D.N.J. Dec 23, 2024\)](#).

Circuit and District Court Interpretations

Circuit and district courts have consistently applied these Supreme Court precedents to determine what constitutes an "association-in-fact" enterprise under RICO.

In [United States v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#), the First Circuit interpreted "enterprise" to include "illegitimate associations-in-fact marked by an ongoing formal or informal organization of individual or legal-entity associates, ... who or which function as a continuing organized crime unit 'for a common purpose of engaging in a course of conduct.'" [United States v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#). The court also clarified that "the definitions of an enterprise in the RICO statute and the jury instructions in no way require an enterprise to include nothing but criminal actors." [United States v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#).

In [United States v. Console, 13 F.3d 641 \(3rd Cir. 1993\)](#), the Third Circuit reaffirmed that an enterprise "is an entity separate and apart from the pattern of activity in which it engages," and that it is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." [United States v. Console, 13 F.3d 641 \(3rd Cir. 1993\)](#).

The Eighth Circuit, in [U.S. v. Bledsoe, 674 F.2d 647 \(8th Cir. 1982\)](#), noted that the RICO statute defines enterprise broadly to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [U.S. v. Bledsoe, 674 F.2d 647 \(8th Cir. 1982\)](#). The court also acknowledged the government's argument that "any association of individuals can be an enterprise" and that "in any security or mail fraud case wherein a conspiracy of two or more persons is formed and two or more overt acts of fraud occur, defendants may be prosecuted under RICO with its heightened punishment." [U.S. v. Bledsoe, 674 F.2d 647 \(8th Cir. 1982\)](#). While Bledsoe was abrogated by United States v. Lane, like Turkette, this abrogation did not affect its interpretation of what constitutes an "enterprise" under RICO.

The Fourth Circuit, in [U.S. v. Griffin, 660 F.2d 996 \(4th Cir. 1982\)](#), outlined the essential elements of a substantive RICO violation, which include "(1)

employment by or association of a defendant with (2) an 'enterprise' (3) engaged in or affecting interstate commerce (4) the affairs of which are conducted by or participated in by the defendant 'through a pattern of racketeering activity.'" [U.S. v. Griffin, 660 F.2d 996 \(4th Cir. 1982\)](#). The court affirmed that "the enterprise contemplated may be an illegitimate as well as a legitimate one." [U.S. v. Griffin, 660 F.2d 996 \(4th Cir. 1982\)](#).

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

In [United States v. Denava](#), the court identified the three elements of a RICO conspiracy: "(1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity." [United States v. Denava](#) (N.D. Ill. 2023).

The Eastern District of New York, in [United States v. Kelly, 609 F.Supp.3d 85 \(E.D.N.Y. 2022\)](#), emphasized that the definition of "enterprise" has a "wide reach" and that an association-in-fact 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." [United States v. Kelly, 609 F.Supp.3d 85 \(E.D.N.Y. 2022\)](#).

The Western District of Tennessee, in [Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#), stated that an association-in-fact enterprise "can be proven by 'evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'" [Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#).

The Southern District of Iowa, in [Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#), described an association-in-fact enterprise as "a broad category with an expansive reach, consisting of 'a group of persons associated together for a common purpose of engaging in a course of conduct.'" [Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#).

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

The Southern District of Florida, in [AIM Recycling of Fla., LLC v. Metals USA, Inc., Case No. 18-cv-60292-BLOOM/Valle \(S.D. Fla. Jan 13, 2020\)](#), noted that a RICO enterprise "need not possess an 'ascertainable structure' distinct from the associations necessary to conduct the pattern of racketeering activity." [AIM Recycling of Fla., LLC v. Metals USA, Inc., Case No. 18-cv-60292-BLOOM/Valle \(S.D. Fla. Jan 13, 2020\)](#).

Secondary Materials

Secondary materials further support the broad interpretation of "enterprise" under RICO and the requirements for establishing an association-in-fact enterprise.

The "[Civil Rico: A Tool of Advocacy](#)" publication explains that a violation of § 1962(c) requires "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [Civil Rico: A Tool of Advocacy](#) (2024). It elaborates that "a 'racketeering activity' refers to a violation of a specific statute" and that a "'pattern of racketeering activity' [can be shown] by pointing to at least two distinct but related predicate acts." [Civil Rico: A Tool of Advocacy](#) (2024).

The "RICO: A Primer" publication emphasizes that "courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises." RICO: A Primer (2022).

The "[Racketeer influenced and corrupt organizations](#)" publication states that an association-in-fact must have "a shared purpose, continuity, and unity" and that "RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.'" [Racketeer influenced and corrupt organizations](#) (2011).

Another publication on "Reflections on Reves v. Ernst & Young" explains that the concept of "enterprise" was selected by Congress "because it desired to use 'terms and concepts of breadth.'" [Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996).

The "[Chapter 4. Elements of Cause of Action](#)" publication notes that the statutory language defining "enterprise" is "expansive" and that "the word 'includes' renders the statutory list illustrative, not exhaustive." [Chapter 4. Elements of Cause of Action](#).

Analysis

Application to Morgan and Daniel's Collaboration

Based on the legislation, case law, and secondary materials discussed above, the collaboration between Morgan Michelle Myers and Daniel Branhoover to prepare and use false court documents to remove the husband from the family home constitutes an "association-in-fact" enterprise under RICO. This analysis applies the three structural features required by Boyle:

- 1. Common Purpose:** Morgan and Daniel collaborated to achieve the common purpose of removing the husband from the family home through fraudulent means, specifically by preparing and using false court documents. This satisfies the requirement that associates in an enterprise share a common purpose. As stated in [Boyle v. United States, 556 U.S. 938 \(2009\)](#) and reiterated in [United States v. Kelly, 609](#)

[F.Supp.3d 85 \(E.D.N.Y. 2022\)](#), an association-in-fact enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct." The purpose of removing the husband from the family home through fraudulent means is a clear, specific objective that both Morgan and Daniel worked toward.

2. **Relationships Among Associates:** Morgan and Daniel's collaboration establishes a relationship between them as associates in the enterprise. They worked together to prepare and use false court documents, which demonstrates coordination and cooperation between them. As noted in [United States v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#), an association-in-fact enterprise can be an "informal organization of individual or legal-entity associates." The relationship between Morgan and Daniel, though possibly informal, is sufficient to satisfy this requirement.
3. **Longevity:** The collaboration between Morgan and Daniel involved devising a scheme, preparing false court documents, and using those documents. This process would necessarily take place over a period of time, indicating sufficient longevity for them to pursue their enterprise's purpose. As stated in [Boyle v. United States, 556 U.S. 938 \(2009\)](#), an association-in-fact enterprise must have "longevity sufficient to permit these associates to pursue the enterprise's purpose." The fact that Morgan and Daniel were able to devise their scheme, prepare the false documents, and then use them suggests a duration sufficient to satisfy this requirement.

Furthermore, courts have consistently emphasized the broad and inclusive nature of the "enterprise" definition under RICO. In [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court noted that "the very concept of an association in fact is expansive" and that RICO's terms are "to be liberally construed to effectuate its remedial purposes." Similarly, in [Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#), the court described an association-in-fact enterprise as "a broad category with an expansive reach."

Additionally, the case law indicates that even a small group of individuals can constitute an association-in-fact enterprise if they share a common purpose. As stated in [United States v. Turkette, 452 U.S. 576 \(1981\)](#), an enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct." There is no minimum number of associates required, so the collaboration between Morgan and Daniel is sufficient to form an enterprise.

The fact that Morgan and Daniel's collaboration involved illegal activities—preparing and using false court documents—does not preclude it from being an enterprise under RICO. In fact, [United States v. Turkette, 452 U.S. 576 \(1981\)](#) established that RICO applies to both legitimate and illegitimate enterprises. As stated in [U.S. v. Griffin, 660 F.2d 996 \(4th Cir. 1982\)](#), "the enterprise contemplated may be an illegitimate as well as a legitimate one."

Moreover, the preparation and use of false court documents could constitute predicate acts of racketeering activity under RICO, which includes mail fraud and wire fraud among other offenses. As noted in [Civil Rico: A Tool of Advocacy](#) (2024), a "pattern of racketeering activity" can be shown "by

pointing to at least two distinct but related predicate acts." If Morgan and Daniel committed at least two such acts in furtherance of their scheme, they could potentially be liable under RICO.

Distinguishing Features of This Case

Several features of Morgan and Daniel's collaboration make it particularly apt to be classified as an association-in-fact enterprise under RICO:

1. **Coordinated Action:** Morgan and Daniel worked together to devise a scheme and prepare false court documents, indicating coordinated action rather than independent activities. This coordination supports the finding of an association-in-fact enterprise, as it demonstrates that they functioned as "a continuing unit," as required by [United States v. Turkette, 452 U.S. 576 \(1981\)](#).
2. **Shared Goal:** The goal of removing the husband from the family home through fraudulent means was shared by both Morgan and Daniel, satisfying the "common purpose" requirement emphasized in multiple cases, including [Boyle v. United States, 556 U.S. 938 \(2009\)](#) and [Schreier v. Drealan Kvilhaug Hoefker & Co. P.A., 611 F.Supp.3d 746 \(D. Minn. 2020\)](#).
3. **Ongoing Relationship:** The collaboration between Morgan and Daniel was not a one-time interaction but involved multiple steps—devising the scheme, preparing the documents, and using them—suggesting an ongoing relationship sufficient to satisfy the "ongoing organization" requirement mentioned in [United States v. Console, 13 F.3d 641 \(3rd Cir. 1993\)](#).
4. **Use of False Documents:** The preparation and use of false court documents is a serious form of fraud that could constitute predicate acts under RICO. As stated in [United States v. Denava](#) (N.D. Ill. 2023), a RICO conspiracy requires "a pattern of racketeering activity," which these activities could potentially establish.

Potential Counterarguments and Limitations

There are potential counterarguments and limitations to the conclusion that Morgan and Daniel's collaboration constitutes an association-in-fact enterprise under RICO:

1. **Scale of the Enterprise:** One might argue that the collaboration between just two individuals for a single purpose is too small or limited to constitute an enterprise under RICO. However, courts have not established a minimum size requirement for RICO enterprises, and even small associations can qualify if they meet the structural features outlined in Boyle. In fact, the statutory definition explicitly includes "any individual" as a potential enterprise, suggesting that even a very small group can qualify.

2. **Duration of the Collaboration:** If Morgan and Daniel's collaboration was very brief or consisted of only a single transaction, one might question whether it has the longevity required for an association-in-fact enterprise. However, as noted in [M.W. Widoff, P.C. v. Encompass Ins. Co. of America, Case No. 10 C 8159](#) (N.D. Ill. Mar 02, 2012), an association-in-fact enterprise must have "longevity sufficient to permit these associates to pursue the enterprise's purpose." The fact that Morgan and Daniel devised a scheme, prepared false documents, and then used them suggests a duration sufficient to satisfy this requirement.
3. **Formality of the Relationship:** If the relationship between Morgan and Daniel was extremely informal or lacked structure, one might question whether it qualifies as an enterprise. However, courts have consistently held that an association-in-fact enterprise need not have a formal structure. As stated in [AIM Recycling of Fla., LLC v. Metals USA, Inc., Case No. 18-cv-60292-BLOOM/Valle](#) (S.D. Fla. Jan 13, 2020), a RICO enterprise "need not possess an 'ascertainable structure' distinct from the associations necessary to conduct the pattern of racketeering activity." Similarly, [Racketeer influenced and corrupt organizations](#) (2011) notes that "RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.'"
4. **Pattern of Racketeering Activity:** While the collaboration between Morgan and Daniel may constitute an enterprise, a RICO violation also requires a "pattern of racketeering activity," which typically involves at least two predicate acts. Without more information about the specific activities involved in their scheme, it is difficult to determine whether they engaged in such a pattern. However, the preparation and use of false court documents could potentially constitute multiple acts of mail fraud or wire fraud, which are predicate acts under RICO.

Despite these potential counterarguments, the broad definition of "enterprise" under RICO and the consistent judicial interpretation of that term suggest that Morgan and Daniel's collaboration would qualify as an association-in-fact enterprise. As stated in [Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996), the concept of "enterprise" was selected by Congress "because it desired to use 'terms and concepts of breadth.'"

Conclusion

Based on the legislation, case law, and secondary materials analyzed above, the collaboration between Morgan Michelle Myers and Daniel Branhoover to prepare and use false court documents for the purpose of removing the husband from the family home constitutes an "association-in-fact" enterprise under RICO. This conclusion is supported by the broad statutory definition of "enterprise" in [18 U.S.C. § 1961\(4\)](#), the Supreme Court's interpretation of that term in cases like [United States v. Turkette](#), 452 U.S. 576 (1981) and

[Boyle v. United States, 556 U.S. 938 \(2009\)](#), and the consistent application of these principles by lower courts.

The collaboration between Morgan and Daniel satisfies the three structural features required for an association-in-fact enterprise as outlined in Boyle: a common purpose (removing the husband from the family home through fraudulent means), relationships among associates (their collaboration in devising the scheme and preparing the false documents), and longevity sufficient to pursue that purpose (the duration of their scheme from conception to execution).

The fact that their enterprise was formed for an illegitimate purpose—preparing and using false court documents—does not preclude it from being an "enterprise" under RICO, as the statute and case law explicitly encompass both legitimate and illegitimate enterprises. As emphasized by the Supreme Court in [Boyle v. United States, 556 U.S. 938 \(2009\)](#), "the very concept of an association in fact is expansive," and RICO's terms are "to be liberally construed to effectuate its remedial purposes."

Therefore, the collaboration between Morgan Michelle Myers and Daniel Branthoover constitutes an "association-in-fact" enterprise under RICO, satisfying the definition provided in [18 U.S.C. § 1961\(4\)](#) and interpreted by the courts.

Legal Authorities

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

U.S. Supreme Court

Extract

In light of RICO's broad statement that an enterprise 'includes any ... group of individuals associated in fact although not a legal entity,' § 1961(4), and the requirement that RICO be 'liberally construed to effectuate its remedial purposes,' note following § 1961, Turkette explained that 'enterprise' reaches 'a group of persons associated together for a common purpose of engaging in a course of conduct,' 452 U.S., at 583, 101 S.Ct. 2524, and 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'

Summary

The passage from Boyle v. United States clarifies that an "enterprise" under RICO includes any group of individuals associated in fact, even if not a legal entity. The definition is broad and is meant to be liberally construed to achieve RICO's remedial purposes. The passage emphasizes that an association-in-fact enterprise is characterized by a common purpose, ongoing organization, and functioning as a continuing unit. This supports the proposition that Morgan and Daniel's collaboration to achieve a

fraudulent purpose can be considered an "association-in-fact" enterprise under RICO.

[U.S. v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#)

U.S. Court of Appeals — First Circuit

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.' 18 U.S.C. § 1961(4). Accordingly, 'enterprise' has been interpreted *inter alia* to include ... illegitimate associations-in-fact marked by an ongoing formal or informal organization of individual or legal-entity associates, ... who or which function as a continuing organized crime unit 'for a common purpose of engaging in a course of conduct.' ... The definitions of an enterprise in the RICO statute and the jury instructions in no way require an enterprise to include nothing but criminal actors. ... But the ultimate question is whether an association-in-fact exists. For this, it is not required that each participant have a separate mens rea so long as each can reasonably be said to share in the common purpose.

Summary

The passage from "U.S. v. Cianci" provides a detailed interpretation of what constitutes an "enterprise" under the RICO statute, specifically highlighting that an "enterprise" can include illegitimate associations-in-fact. It emphasizes that such an enterprise is marked by an ongoing organization and a common purpose, which aligns with the proposition that Morgan and Daniel's collaboration to achieve a fraudulent goal constitutes an "association-in-fact" enterprise. The passage also clarifies that not all members of the enterprise need to have a separate mens rea, as long as they share a common purpose, which supports the idea that Morgan and Daniel's shared goal of removing the husband through fraudulent means fits within this definition.

[AIM Recycling of Fla., LLC v. Metals USA, Inc., Case No. 18-cv-60292-BLOOM/Valle \(S.D. Fla. Jan 13, 2020\)](#)

U.S. District Court — Southern District of Florida

Extract

Section 1961(4) broadly defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). '[A] RICO enterprise need not possess an 'ascertainable structure'

distinct from the associations necessary to conduct the pattern of racketeering activity.' United States v. Goldin Indus., Inc., 219 F.3d 1271, 1274-75 (11th Cir. 2000). Instead, the Supreme Court has explained that the existence of an enterprise 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' United States v. Turkette, 452 U.S. 576, 583 (1981).

Summary

An "association-in-fact" enterprise does not require a formal structure and can be established by showing that individuals function as a continuing unit with a common purpose. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent goal can be considered an "association-in-fact" enterprise under RICO.

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

U.S. Court of Appeals — Third Circuit

Extract

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

Summary

Clear definition of what constitutes an "enterprise" under RICO, emphasizing that it can include any group of individuals associated in fact, even if not a legal entity. The Supreme Court's interpretation in Turkette further clarifies that an enterprise is distinct from the pattern of activity and requires evidence of an ongoing organization where associates function as a unit. This supports the proposition that Morgan and Daniel's collaboration, aimed at achieving a common fraudulent purpose, can be considered an "association-in-fact" enterprise under RICO.

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

U.S. District Court — Southern District of Iowa

Extract

At issue here is the Weller Law Enterprise as an association-in-fact. An association-in-fact enterprise is a 'broad' category with an 'expansive' reach, consisting of 'a group of persons associated together for a common purpose of engaging in a course of conduct,' and is 'proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Boyle, 556 U.S. at 944-45, 129 S.Ct. 2237 (quoting Turkette, 452 U.S. at 580, 583, 101 S.Ct. 2524). At its core, 'an association-in-fact enterprise is simply a continuing unit that functions with a common purpose.' Id. at 948, 129 S.Ct. 2237.

Summary

An "association-in-fact" enterprise under RICO is broadly defined and includes any group of individuals associated together for a common purpose, whether formal or informal. The passage emphasizes that such an enterprise is characterized by a continuing unit functioning with a common purpose. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent goal can be considered an "association-in-fact" enterprise under RICO, as they are associated for a common purpose of engaging in a course of conduct.

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

U.S. Supreme Court

Extract

The term 'enterprise' is defined in 18 U.S.C. § 1961(4) as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. ... The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.

Summary

The U.S. Supreme Court in United States v. Turkette clarified that an "enterprise" under RICO includes any group of individuals associated in fact, even if not a legal entity, and that this can encompass both legitimate and illegitimate enterprises. The Court emphasized that an enterprise is a group of persons associated together for a common purpose, which can be proven by evidence of an ongoing organization and that the associates function as a continuing unit. This directly supports the proposition that the collaboration

between Morgan and Daniel, aimed at achieving a common fraudulent purpose, constitutes an "association-in-fact" enterprise under RICO.

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

U.S. District Court — District of Maryland

Extract

Plaintiff asserts that the King Auto Group Defendants are all separately incorporated businesses that associate together as 'King Auto Group,' as an association-in-fact, although there is no formal, legal entity with that name. These dealerships jointly market and sell vehicles and develop form documents such as the Buyer's Orders used at each dealership... A RICO enterprise is characterized by 'continuity, unity, shared purpose and identifiable structure.' An 'enterprise' requires proof of three elements: (1) an ongoing organization; (2) associates functioning as a continuing unit; and (3) the enterprise is an entity 'separate and apart from the pattern of activity in which it engages.'

Summary

Elements needed to establish an enterprise: an ongoing organization, associates functioning as a continuing unit, and the enterprise being separate from the pattern of activity. This supports the idea that Morgan and Daniel's collaboration could be considered an association-in-fact enterprise if it meets these criteria.

[U.S. v. Bledsoe, 674 F.2d 647 \(8th Cir. 1982\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

RICO makes it a crime 'for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' 18 U.S.C. § 1962(c). The Act defines enterprise to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). ... The Government argues that any association of individuals can be an enterprise. Under this theory, in any security or mail fraud case wherein a conspiracy of two or more persons is formed and two or more overt acts of fraud occur, defendants may be prosecuted under RICO with its heightened punishment.

Summary

The RICO statute defines an "enterprise" broadly to include any group of individuals associated in fact, even if not a legal entity. The passage supports the idea that a collaboration between two individuals, like Morgan and Daniel, to commit fraudulent acts can constitute an "association-in-fact" enterprise under RICO. The passage also highlights that the Government's argument in similar cases is that any association of individuals committing predicate acts of fraud can be prosecuted under RICO.

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

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

Extract

RICO broadly defines an 'enterprise' as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). In *United States v. Turkette*, 452 U.S. 576, 580, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), the Supreme Court recognized that '[t]here is no restriction upon the associations embraced by the definition: an enterprise includes any union or group of individuals associated in fact,' including both legitimate ventures and wholly criminal organizations... The Mazzei court noted Turkette's observation that in cases where the alleged RICO enterprise is an illegitimate criminal organization, the evidence necessary to establish the existence of the enterprise and the pattern of racketeering activity may coalesce, and held that the evidence necessary to prove the existence of the enterprise with which Mazzei was allegedly associated and the evidence necessary to demonstrate the pattern of racketeering activity in which that enterprise engaged 'coalesce comfortably in the present action. The government here proved an enterprise that was a 'group of individuals associated in fact' with evidence establishing a common or shared purpose among the individuals and evidence that they functioned as a continuing unit.'

Summary

RICO's definition of an "enterprise" is broad and includes any group of individuals associated in fact, even if not a legal entity. The passage highlights that an enterprise can be a criminal organization and that the evidence of the enterprise and the pattern of racketeering activity may overlap. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent purpose can constitute an "association-in-fact" enterprise under RICO, as they share a common purpose and function as a unit.

[United States v. Kelly, 609 F.Supp.3d 85 \(E.D. N.Y. 2022\)](#)

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

Extract

The RICO statute makes it unlawful for 'any person employed by or associated with any enterprise' whose activities affect interstate or foreign commerce 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). The statute further defines 'enterprise' to include 'any ... group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). As the Supreme Court has observed, the 'enumeration of included enterprises is obviously broad,' and 'the term 'any' ensures that the definition has a wide reach.' Boyle v. United States, 556 U.S. 938, 944, 129 S.Ct. 2237, 173 L.Ed. 2d 1265 (2009) (citations omitted); see also United States v. Gershman, 31 F. 4th 80, 96 (2d Cir. 2022) ('Congress defined 'enterprise' for purposes of RICO broadly.')... '[A]n association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle, 556 U.S. at 946, 129 S.Ct. 2237. An association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.' United States v. Turkette, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981)...

Summary

The passage explains that under RICO, an "enterprise" can include any group of individuals associated in fact, even if not a legal entity. The Supreme Court has emphasized the broad scope of this definition. The passage also outlines the structural features required for an association-in-fact enterprise: a common purpose, relationships among associates, and sufficient longevity to pursue the enterprise's purpose. This aligns with the proposition that Morgan and Daniel's collaboration to achieve a fraudulent purpose constitutes an "association-in-fact" enterprise under RICO.

[U.S. v. Griffin, 660 F.2d 996 \(4th Cir. 1982\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

The substantive 'enterprise' violation of RICO charged to these defendants includes these essential elements: (1) employment by or association of a defendant with (2) an 'enterprise' (3) engaged in or affecting interstate commerce (4) the affairs of which are conducted by or participated in by the defendant 'through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). It is now settled after some division within the courts that the enterprise contemplated may be an illegitimate as well as a legitimate one. Turkette; accord United States v. Whitehead, 618 F.2d 523, 525 n.1 (4th Cir. 1980).

Where, as here, the enterprise charged is a wholly criminal one, proof of its existence may overlap proof of the connecting pattern of racketeering activity, but 'proof of one does not necessarily establish the other.'

Summary

An "enterprise" can be a group of individuals associated in fact, even if not a legal entity, and that such an enterprise can be involved in criminal activities. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent purpose can be considered an "association-in-fact" enterprise under RICO.

[M.W. Widoff, P.C. v. Encompass Ins. Co. of America, Case No. 10 C 8159 \(N.D. Ill. Mar 02, 2012\)](#)

U.S. District Court — Northern District of Illinois

Extract

A RICO enterprise may be a legal entity or an extra-legal association in fact. *United States v. Turkette*, 452 U.S. 576, 583, 101, S.Ct. 2524, 69 L.Ed.2d 246 (1981). An enterprise is an 'entity' or in other words 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Id. ... To properly plead an association in fact, a plaintiff must allege that an organization, formal or informal, that functions as a continuing unit. *Turkette*, 452 U.S. at 583. Recently, the Supreme Court has identified the three structural features of an association in fact for which a plaintiff must provide sufficient factual allegations such that it is plausible to infer that the enterprise existed: (1) a purpose; (2) relationships among those associated with the enterprise; (3) longevity sufficient to permit these associates to pursue the enterprise's purpose. *Boyle v. United States*, 556 U.S. 938, —, 129 S.Ct. 2237, 2244, 173 L.Ed.2d 1265 (2009).

Summary

The passage explains that a RICO enterprise can be an association in fact, which is defined as a group of individuals associated together for a common purpose. The Supreme Court has outlined that such an association must have a purpose, relationships among those involved, and sufficient longevity to pursue the enterprise's purpose. This aligns with the proposition that Morgan and Daniel's collaboration to achieve a fraudulent goal could be considered an "association-in-fact" enterprise under RICO.

[United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#)

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

Extract

Under RICO, an enterprise 'includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity[.]' 18 U.S.C. § 1961(4). 'This enumeration of included enterprises is obviously broad, encompassing 'any... group of individuals associated in fact.' Boyle v. United States, ___ U.S. ___, 129 S.Ct. 2237, 2243, 173 L.Ed.2d 1265 (2009) (quoting § 1961(4)). The RICO statute provides that its terms are to be 'liberally construed to effectuate its remedial purposes.' ... The Boyle Court identified several structural features that must be possessed by an association-in-fact RICO enterprise: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Id. at 2244.

Summary

The passage explains that under RICO, an "enterprise" can include any group of individuals associated in fact, even if not a legal entity. The Boyle case further clarifies that an association-in-fact enterprise must have a purpose, relationships among those involved, and sufficient longevity to pursue its purpose. This supports the proposition that Morgan and Daniel's collaboration to achieve a common fraudulent purpose could constitute an "association-in-fact" enterprise under RICO.

[Brown v. Hanover Am. Ins. Co., Case No. 2:20-cv-02415 \(W.D. Tenn. Jul 14, 2021\)](#)

U.S. District Court — Western District of Tennessee

Extract

The Supreme Court has not defined the outer boundaries of a RICO enterprise, but has explained that 'an enterprise includes any union or group of individuals associated in fact' and that RICO reaches 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Boyle v. United States, 556 U.S. 938, 944 (2009) (citing United States v. Turkette, 452 U.S. 576, 580, 583 (1985)). This sort of enterprise can be proven by 'evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' Turkette, 452 U.S. at 583. '[A]n association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' Boyle, 556 U.S. at 946.

Summary

Structural features required for such an enterprise: a purpose, relationships among those involved, and sufficient longevity to pursue the enterprise's

purpose. This supports the proposition that Morgan and Daniel's collaboration to achieve a common fraudulent purpose could constitute an "association-in-fact" enterprise under RICO.

[Bennett v. Berg, 685 F.2d 1053 \(8th Cir. 1981\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

An 'enterprise' is defined by RICO to include any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.(.) 18 U.S.C. § 1961(4). The RICO Act encompasses two kinds of enterprises: legal entities, and 'associations in fact.' United States v. Turkette, 452 U.S. 576, 581-82, 101 S.Ct. 2524, 2527-28, 69 L.Ed.2d 246 (1981).

Summary

The RICO statute defines an "enterprise" broadly to include not only legal entities but also "associations in fact." This interpretation is supported by the U.S. Supreme Court's decision in United States v. Turkette, which clarifies that an "association in fact" can be a group of individuals associated together for a common purpose, even if not a legal entity. This supports the proposition that the collaboration between Morgan and Daniel could be considered an "association-in-fact" enterprise under RICO, as they were working together towards a common fraudulent goal.

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

U.S. District Court — District of Minnesota

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.' Id. at 354 (quoting 18 U.S.C. § 1961(4)). To show a RICO enterprise, a plaintiff must show: '(1) a common purpose that animates the individuals associated with it; (2) an ongoing organization with members who function as a continuing unit; and (3) an ascertainable structure distinct from the conduct of a pattern of racketeering.' United States v. Lee, 374 F.3d 637, 647 (8th Cir. 2004) (citation omitted).

Summary

Criteria for a RICO enterprise, which includes a common purpose, an ongoing organization, and an ascertainable structure. This directly supports the proposition that the collaboration between Morgan and Daniel, with a common purpose of removing the husband through fraudulent means, could constitute an "association-in-fact" enterprise under RICO.

[United States v. Denava](#)

U.S. District Court — Northern District of Illinois

Extract

A RICO conspiracy has three elements: (1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity." United States v. Brown, 973 F.3d 667, 682 (7th Cir. 2020) (quoting United States v. Olson, 450 F.3d 655, 664 (7th Cir. 2006)); see also Salinas v. United States, 522 U.S. 52, 61-66 (1997); 18 U.S.C. § 1962(d).

Summary

A RICO conspiracy requires an agreement to conduct or participate in the affairs of an enterprise through a pattern of racketeering activity. The passage supports the proposition by indicating that the collaboration between Morgan and Daniel, if it involved an agreement to engage in fraudulent activities (such as preparing and using false court documents), could constitute an "association-in-fact" enterprise under RICO. This is because the definition of an enterprise under RICO is broad and includes any group of individuals associated in fact, even if not a legal entity.

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

U.S. District Court — District of New Jersey

Extract

An "enterprise" as defined by statute includes: "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4). Thus, an "association-in-fact" RICO enterprise requires three features: "a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." Boyle v. United States, 556 U.S. 938, 946 (2009) ("[T]he very concept of an association in fact is expansive[,] in keeping with RICO's directive that "its terms are to be liberally construed to effectuate its remedial purposes.").

Summary

An "association-in-fact" enterprise under RICO requires a purpose, relationships among those associated, and longevity to pursue the enterprise's purpose. The collaboration between Morgan and Daniel to achieve a common purpose (removing the husband from the family home through fraudulent means) fits this definition, as they have a shared purpose and relationship, which could be considered an "association-in-fact" under RICO.

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

Extract

As used in this chapter- ... '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;

Summary

The definition of "enterprise" under RICO includes not only formal legal entities but also any group of individuals associated in fact, even if not a legal entity. This broad definition supports the proposition that the collaboration between Morgan and Daniel, aimed at achieving a common fraudulent purpose, can be considered an "association-in-fact" enterprise under RICO.

[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. It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

Summary

The passage outlines unlawful activities under RICO, including participating in an enterprise through a pattern of racketeering activity. The definition of an "enterprise" under RICO includes any group of individuals associated in

fact, which aligns with the proposition that Morgan and Daniel's collaboration constitutes an "association-in-fact" enterprise. The passage also addresses the illegality of conspiring to violate RICO provisions, which supports the notion that their scheme to use false court documents could be considered a RICO violation.

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

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

Extract

Section 1961 (4) states that '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.

Summary

Direct interpretation of the term "enterprise" as defined in 18 U.S.C. § 1961(4). It clarifies that an "enterprise" can include any group of individuals associated in fact, even if they are not a legal entity. This supports the proposition that the collaboration between Morgan and Daniel, aimed at achieving a common fraudulent purpose, can be considered an "association-in-fact" enterprise under RICO. The passage is relevant because it directly addresses the legal definition of "enterprise" in the context of RICO, which is central to the proposition.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... Informal relationships among entities may suffice to create an 'associated-in-fact' enterprises. ... In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. ... Recently, in Boyle v. United States, the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.'

Summary

An "enterprise" under RICO can include informal associations of individuals who share a common purpose, continuity, and unity. The Supreme Court's clarification in Boyle v. United States indicates that such an enterprise does not need a formal structure beyond the pattern of racketeering activity. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent purpose can be considered an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Franklin, Amy - 2008-03-22

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, and some goals separate from the predicate acts themselves.

Summary

Such an association must have a shared purpose, continuity, unity, and an identifiable structure. These elements align with the proposition that Morgan and Daniel's collaboration to achieve a common fraudulent purpose could constitute an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.'... A RICO enterprise need not be part of a formal relationship... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, and some goals separate from the predicate acts themselves.

Summary

Definition of an "enterprise" under RICO, which includes any group of individuals associated in fact, even if not a legal entity. It further explains that such an association must have a shared purpose, continuity, unity, and an identifiable structure. This aligns with the proposition that Morgan and Daniel's collaboration to achieve a common fraudulent purpose could constitute an "association-in-fact" enterprise under RICO.

[Chapter 4. Elements of Cause of Action](#)

Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph

Extract

Section 1961(4) provides that the term "'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." This language is expansive; the word "includes" renders the statutory list illustrative, not exhaustive. See, e.g., Boyle v. United States, 556 U.S. 938, 944 & n.2 (2009) ("The statute does not specifically define the outer boundaries of the 'enterprise' concept but states that the term '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.' . . . This provision does not purport to set out an exhaustive definition of the term 'enterprise.'").

Summary

The definition of "enterprise" under RICO is broad and inclusive, covering any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the collaboration between Morgan and Daniel, aimed at achieving a common fraudulent purpose, can be considered an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Holt, Michael W. - 2009-03-22

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... For RICO purposes, an enterprise must exist independently from the racketeering activity in which it engages, ... order to be an association-in-fact, the grouping must have a

shared purpose, continuity, and unity. ... When the enterprise is an association-in-fact without a legal existence, the government must make the more difficult showing that the constituent entities 'associated together for a common purpose of engaging in a course of conduct.' According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition.

Summary

An "enterprise" under RICO can include any group of individuals associated in fact, even if not a legal entity. The passage explains that for an association-in-fact to qualify as an enterprise, it must have a shared purpose, continuity, and unity. The collaboration between Morgan and Daniel to achieve a common purpose (removing the husband from the family home through fraudulent means) fits this definition, as they are a group of individuals associated in fact for a common purpose.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... A RICO enterprise need not be part of a formal relationship. ... In order to be an association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, and some goals separate from the predicate acts themselves.

Summary

A RICO enterprise does not need to be a formal entity and can be a group of individuals associated in fact. This supports the proposition that Morgan and Daniel's collaboration to achieve a fraudulent goal can be considered an "association-in-fact" enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... In order to be an

association-in-fact, the association must have a shared purpose, continuity, unity, an identifiable structure, and some goals separate from the predicate acts themselves. ... The existence of an association-in-fact requires the more difficult showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.'

Summary

Such an association must have a shared purpose, continuity, unity, and an identifiable structure. The collaboration between Morgan and Daniel to achieve a common purpose (removing the husband from the family home through fraudulent means) fits this definition, as they are a group of individuals associated together for a common purpose of engaging in a course of conduct.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

An 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... In order to be an association-in-fact, the grouping must have a shared purpose, continuity, and unity. ... Recently, in Boyle v. United States, the Supreme Court clarified that RICO association-in-fact enterprises need not have 'an ascertainable structure beyond that inherent in the pattern of racketeering activity.'

Summary

Such an association-in-fact must have a shared purpose, continuity, and unity, but does not require a formal structure beyond the pattern of racketeering activity. This supports the proposition that Morgan and Daniel's collaboration, with a common purpose of using fraudulent means, could be considered an association-in-fact enterprise under RICO.

[Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO.](#)

American Criminal Law Review - Georgetown University Law Center - Blakey, G. Robert - 1996-01-01

Extract

The concept of the 'enterprise' was selected by Congress when it enacted RICO because it desired to use 'terms and concepts of breadth.' Indeed, the

statute itself broadly describes 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Thus, any legal entity may be an enterprise, and any group of persons--in any combination of natural and legal persons--may also constitute an enterprise, even though it is not a legal entity, by being an association-in-fact.

Summary

The passage explains that the term "enterprise" under RICO is intended to be broad and inclusive, covering any group of individuals associated in fact, even if not a legal entity. This aligns with the proposition that Morgan and Daniel's collaboration could be considered an "association-in-fact" enterprise under RICO, as they are a group of individuals associated for a common purpose.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded... A 'racketeering activity' refers to a violation of a specific statute. For the first element, the plaintiff can show a 'pattern of racketeering activity' by pointing to at least two distinct but related predicate acts. Related predicate acts have the 'same or similar purposes, results, participants, victims, or methods.'

Summary

To establish a RICO claim under § 1962(c), there must be conduct of an enterprise through a pattern of racketeering activity. The passage explains that an enterprise can be a structured group of individuals associated for a common purpose, which aligns with the proposition that Morgan and Daniel's collaboration constitutes an "association-in-fact" enterprise. The requirement of a pattern of racketeering activity, involving at least two related predicate acts, supports the notion that their scheme involving false court documents could meet this criterion.

[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.

Summary

The definition of a RICO enterprise is broad and includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the collaboration between Morgan and Daniel, aimed at achieving a common fraudulent purpose, can be considered an "association-in-fact" enterprise under RICO.

[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.

Summary

Broad definition of a RICO enterprise, which includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that the collaboration between Morgan and Daniel can be considered an "association-in-fact" enterprise under RICO, as their collaboration fits within the broad interpretation of an enterprise.

This memo was compiled by Vincent AI based on vLex materials available as of June 11, 2025. [View full answer on vLex](#)