

Question

The fraudulent scheme devised by Morgan and Daniel was carried out through their coordinated actions, including directing Morgan to obtain an ex-parte order of protection and preparing false documents to present to the Texas courts. Under 18 U.S.C. § 1962(c), it is unlawful for any person employed by or associated with an enterprise to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity. Their coordinated actions to execute the fraudulent scheme demonstrate that they conducted the affairs of the enterprise through a pattern of racketeering activity, satisfying the requirements of 18 U.S.C. § 1962(c).

Answer (U.S. Federal)

Short response

Morgan and Daniel's coordinated actions in obtaining an ex-parte order of protection and preparing false documents for Texas courts likely satisfy the requirements for a violation of [18 U.S.C. § 1962](#)(c). Their scheme demonstrates the conduct of an enterprise's affairs through a pattern of racketeering activity as required by the statute.

Summary

Based on the analysis of the applicable law, Morgan and Daniel's coordinated fraudulent actions appear to meet the essential elements required to establish a violation of [18 U.S.C. § 1962](#)(c). The statute prohibits any person employed by or associated with an enterprise from conducting or participating in the conduct of such enterprise's affairs through a pattern of racketeering activity, which requires evidence of (1) conduct or participation, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity.

Morgan and Daniel's coordinated activities in obtaining an ex-parte order of protection and preparing false documents to present to Texas courts demonstrate the existence of an association-in-fact enterprise and a pattern of racketeering activity. Their actions show a relationship between the predicate acts and continuity, as they worked together to execute a fraudulent scheme with multiple coordinated steps. The nexus between their actions, the enterprise, and the pattern of racketeering activity provides strong support for finding a violation of [18 U.S.C. § 1962](#)(c).

Background and Relevant Law

Statutory Framework

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO), particularly [18 U.S.C. § 1962\(c\)](#), provides the statutory framework for analyzing Morgan and Daniel's actions. According to [18 U.S.C. § 1962](#) (2025), "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."

This provision makes it unlawful for individuals associated with an enterprise to conduct or participate in the enterprise's affairs through a pattern of racketeering activity. The fraudulent scheme involving Morgan and Daniel, with their coordinated actions to obtain an ex-parte order and prepare false documents, may constitute participating in the conduct of an enterprise's affairs through racketeering activity, potentially aligning with the requirements of [18 U.S.C. § 1962\(c\)](#).

Essential Elements of a RICO Claim

The case law has established that claims under RICO, [18 U.S.C. § 1962](#), have three common elements: "(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." [State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491](#) (S.D. Tex. Dec 31, 2019). This case also emphasizes that regarding the element of participation, a "nexus between the defendant, the enterprise, and the racketeering activity" is required, which is "establish[ed] by proof that the defendant has in fact committed the racketeering acts alleged, that the defendant's association with the enterprise facilitated the commission of the acts, and that the acts had some effect on the enterprise."

Similarly, [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631, 651 \(S.D. Tex. 2016\)](#) specifies that a violation of § 1962(c) requires "(1) conduct or participation (2) of an enterprise (3) through a pattern (4) of racketeering activity." The court further explains that RICO makes it "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt."

Definition of "Enterprise"

RICO defines "enterprise" very broadly. According to [Heden v. Hill, 937 F.Supp. 1230, 1242 \(S.D. Tex. 1996\)](#), the term "enterprise" includes "any individual, partnership, corporation, association or other legal entity, any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#). Importantly, "There is no restriction upon the

associations embraced by the definition: a RICO 'enterprise' can be either a legal entity or an 'association in fact' enterprise."

Furthermore, [Heden v. Hill, 937 F.Supp. 1230, 1242 \(S.D. Tex. 1996\)](#) notes that "An illegal organization also may be an enterprise for RICO purposes." 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." In addition, the enterprise must be shown to have an existence "separate and apart from the pattern of activity in which it engages."

The secondary source [Civil Rico: A Tool of Advocacy](#) (2024) similarly defines an enterprise as "A structured group of individuals associated for a common purpose." This broad definition encompasses the kind of association that may have existed between Morgan and Daniel.

Definition of "Pattern of Racketeering Activity"

For a pattern of racketeering activity, [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631, 651 \(S.D. Tex. 2016\)](#) explains that "'Pattern of racketeering activity' is a defined term and has two components." First, there must be at least two predicate acts of "racketeering activity." Second, there must be a pattern of such acts.

[Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#) further elaborates that "A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity." The court also cites 18 U.S.C. § 1961(5), which defines a "pattern of racketeering activity" as requiring at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years after the commission of a prior act of racketeering activity.

Additionally, RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022) explains that "criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events." The Supreme Court characterized this requirement as a "relationship" element and further required a "continuity" element, "referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition."

Conduct or Participation Requirement

[In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511, 564 \(S.D. Tex. 2003\)](#) explains that the word "conduct" in § 1962(c) means "participate in the operation or management of the enterprise itself." The defendant who directs the enterprise need not have the primary responsibility for directing the enterprise but must have some role in directing it. "Operation" of an enterprise can be performed by upper

management or by "lower rung participants in the enterprise who are under the direction of the upper management."

[Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996) further clarifies that "Section 1962(c)'s disjunctive construction makes unlawful the direct or indirect conduct of or participation in the conduct of an enterprise's affairs by any person employed by or associated with the enterprise." It emphasizes that any person "associated with" the enterprise—not necessarily only those "employed by" the enterprise—who, directly or indirectly, participated in the "conduct" of its affairs through a pattern of racketeering activity risked violating the statute.

Nexus Requirement

Several sources emphasize the necessity of a relationship or nexus between the pattern of racketeering activity and the enterprise. [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#) (2021) states that "Section 1962(c), the most commonly used RICO provision, prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or affairs of that enterprise through a pattern of racketeering activity. A relationship, or nexus, between the pattern of racketeering activity and the enterprise is required."

Similarly, [Racketeer influenced and corrupt organizations](#) (2005) notes that Section 1962(c) "prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity." This requires a relationship between the pattern of racketeering activity and the enterprise.

[Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996) adds that "The prosecution is, however, required to prove that the defendant's actions were related to the enterprise and that those acts were known to and were intended to further the affairs of the enterprise and did in fact further the affairs of the enterprise."

Analysis

Analysis of the Enterprise Element

Based on the provided legal framework, Morgan and Daniel likely formed an "association in fact" enterprise under RICO. According to [Heden v. Hill, 937 F.Supp. 1230, 1242 \(S.D. Tex. 1996\)](#), an enterprise can be an "association in fact" even if it is not a legal entity, and even illegal organizations may qualify as enterprises for RICO purposes. The enterprise is proved by "evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

In this case, Morgan and Daniel's coordinated actions in obtaining an ex parte order of protection and preparing false documents to present to Texas

courts demonstrate the existence of an ongoing, albeit informal, organization. Their collaboration in executing the fraudulent scheme shows that they functioned as a continuing unit with a common purpose. As required by [Heden v. Hill, 937 F.Supp. 1230, 1242 \(S.D. Tex. 1996\)](#), their enterprise appears to have an existence "separate and apart from the pattern of activity in which it engages," as their association presumably existed independently of the specific fraudulent acts they committed.

Furthermore, as noted in RICO: A Primer (2022), courts have interpreted the definition of "enterprise" broadly, capturing both legitimate and illegitimate enterprises. The coordinated nature of Morgan and Daniel's actions suggests a structured association for a common purpose, which aligns with the definition of an enterprise provided in [Civil Rico: A Tool of Advocacy](#) (2024).

Analysis of the Pattern of Racketeering Activity Element

Morgan and Daniel's actions also appear to constitute a pattern of racketeering activity. According to [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631, 651 \(S.D. Tex. 2016\)](#), a "pattern of racketeering activity" requires at least two predicate acts of "racketeering activity." In this case, the multiple coordinated actions—directing Morgan to obtain an ex-parte order of protection and preparing false documents to present to Texas courts—could qualify as separate predicate acts of racketeering activity if they involved fraud or other qualifying criminal activities.

Furthermore, [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#) explains that a pattern of racketeering activity consists of two or more predicate criminal acts that are related and amount to or pose a threat of continued criminal activity. Morgan and Daniel's actions appear to be related, as they were part of the same fraudulent scheme and involved the same participants. The preparation of false documents and obtaining of an ex-parte order based on those documents show a continuity of purpose and method.

As noted in RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022), criminal conduct forms a pattern if it embraces criminal acts with "the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events." Morgan and Daniel's actions share the same purpose (executing a fraudulent scheme), the same participants (Morgan and Daniel), similar methods (fraud and deception), and are clearly interrelated as part of a coordinated effort to defraud the Texas courts.

Analysis of the Conduct or Participation Element

The conduct or participation element of § 1962(c) also appears to be satisfied. According to [In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511, 564 \(S.D. Tex. 2003\)](#), "conduct" means "participate in the operation or management of the enterprise itself." Both Morgan and Daniel appear to have played active roles in directing and executing the fraudulent scheme. Daniel directed Morgan to obtain an ex-parte order of protection,

and both were involved in preparing false documents, indicating their participation in the operation and management of the enterprise.

As [Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996) clarifies, § 1962(c) makes unlawful the "direct or indirect conduct of or participation in the conduct of an enterprise's affairs by any person employed by or associated with the enterprise." Both Morgan and Daniel were clearly associated with the enterprise and directly participated in its affairs through their coordinated actions.

Analysis of the Nexus Requirement

The nexus requirement, emphasized in multiple sources, also appears to be met. [State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#) explains that a "nexus between the defendant, the enterprise, and the racketeering activity" is required, which is "establish[ed] by proof that the defendant has in fact committed the racketeering acts alleged, that the defendant's association with the enterprise facilitated the commission of the acts, and that the acts had some effect on the enterprise."

In this case, both Morgan and Daniel committed the alleged racketeering acts (obtaining an ex-parte order through false pretenses and preparing false documents). Their association with each other facilitated the commission of these acts, as they worked together to execute the fraudulent scheme. The acts had an effect on their enterprise by furthering its fraudulent purpose—namely, obtaining a court order based on false information.

As required by [Reflections on Reves v. Ernst & Young: its meaning and impact on substantive, accessory, aiding abetting and conspiracy liability under RICO](#) (1996), Morgan and Daniel's actions were clearly "related to the enterprise" and were "known to and were intended to further the affairs of the enterprise and did in fact further the affairs of the enterprise." Their coordinated efforts to obtain an ex-parte order and prepare false documents were directly related to the enterprise's fraudulent purpose and were intended to further that purpose.

Exceptions and Caveats

The Interstate Commerce Requirement

One potential caveat to the application of § 1962(c) in this case is the interstate commerce requirement. According to [18 U.S.C. § 1962](#) (2025), the statute applies to enterprises "engaged in, or the activities of which affect, interstate or foreign commerce." The provided facts do not explicitly state whether Morgan and Daniel's activities affected interstate commerce. However, courts have generally interpreted this requirement broadly, and it is possible that their fraudulent scheme had some effect on interstate

commerce, particularly if it involved financial transactions or communications across state lines.

Specific Predicate Acts

Another caveat is the requirement that the pattern of racketeering activity consist of specific predicate acts enumerated in 18 U.S.C. § 1961(1).

According to [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#), "Predicate acts can be either state or federal crimes." The facts provided do not specify exactly which crimes Morgan and Daniel's actions might constitute, but they likely involve fraud or obstruction of justice, which are listed as predicate acts under § 1961(1).

Continuity Requirement

The continuity requirement for establishing a pattern of racketeering activity might also present a challenge. According to RICO: A Primer (2022), proof of "continuity plus relationship" is necessary, which can refer to "a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition." If Morgan and Daniel's fraudulent scheme was a one-time occurrence without any indication of repeated or ongoing criminal activity, it might be more difficult to establish the continuity element.

Conclusion

Based on the analysis of the applicable law, Morgan and Daniel's coordinated actions in obtaining an ex parte order of protection and preparing false documents to present to Texas courts likely satisfy the requirements for a violation of [18 U.S.C. § 1962\(c\)](#).

Their actions demonstrate the existence of an "association in fact" enterprise, as they worked together in an ongoing, informal organization to achieve a common fraudulent purpose. Their multiple coordinated actions—obtaining an ex parte order and preparing false documents—could qualify as separate predicate acts of racketeering activity, forming a pattern due to their relatedness and potential continuity.

Both Morgan and Daniel actively participated in the conduct of the enterprise's affairs by directing and executing the fraudulent scheme. There is a clear nexus between their actions, the enterprise, and the pattern of racketeering activity, as their coordinated efforts were intended to further the enterprise's fraudulent purpose and did in fact do so.

While there are potential caveats regarding the interstate commerce requirement, specific predicate acts, and continuity, the overall evidence suggests that Morgan and Daniel's fraudulent scheme likely falls within the scope of [18 U.S.C. § 1962\(c\)](#). Their coordinated actions to execute a fraudulent scheme demonstrate that they conducted the affairs of an enterprise through a pattern of racketeering activity, thus satisfying the requirements of the statute.

Legal Authorities

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)

U.S. District Court — Southern District of Texas

Extract

A violation of § 1962(c) requires (1) conduct or participation (2) of an enterprise (3) through a pattern (4) of racketeering activity. Sedima, 473 U.S. at 496, 105 S.Ct. 3275. ... RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' Boyle v. United States, 556 U.S. 938, 943-45, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009) (quoting 18 U.S.C. § 1962(c)) (internal quotation marks omitted). ... 'Pattern of racketeering activity' is a defined term and has two components. In re Burzynski, 989 F.2d 733, 742 (5th Cir.1993) ; 18 U.S.C. § 1961(5). First, there must be at least two predicate acts of 'racketeering activity.' Burzynski, 989 F.2d at 742. Second, there must be a pattern of such acts. Id.

Summary

Elements required to establish a violation of 18 U.S.C. § 1962(c), which include conduct or participation in an enterprise through a pattern of racketeering activity. The passage also clarifies that a pattern of racketeering activity requires at least two predicate acts. This supports the proposition that Morgan and Daniel's coordinated actions, such as obtaining an ex-parte order and preparing false documents, could constitute a pattern of racketeering activity if they meet the statutory requirements.

[In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511 \(S.D. Tex. 2003\)](#)

U.S. District Court — Southern District of Texas

Extract

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. The word, 'conduct,' means 'participate in the operation or management of the enterprise itself.' Reves v. Ernst & Young, 507 U.S. 170, 185, 113 S.Ct. 1163, 122 L.Ed.2d 525 (1993). The defendant who directs the enterprise need not have the primary responsibility for directing the enterprise, but must have some role in directing it. Id. at 179, 113 S.Ct. 1163. 'Operation' of an enterprise can be performed by upper

management or by 'lower rung participants in the enterprise who are under the direction of the upper management.' Id. at 184, 113 S.Ct. 1163. The 'pattern of racketeering activity' must consist of two or more related predicate acts, which are federal or state crimes, and which amount to or pose a threat of continued criminal activity.

Summary

Legal definition and explanation of what constitutes conducting or participating in the conduct of an enterprise's affairs through a pattern of racketeering activity under 18 U.S.C. § 1962(c). It clarifies that participation can be direct or indirect and does not require primary responsibility for directing the enterprise. The passage also explains that a pattern of racketeering activity must consist of two or more related predicate acts, which are federal or state crimes. This supports the proposition by showing that Morgan and Daniel's coordinated actions, if they involve predicate acts such as fraud, could satisfy the requirements of conducting an enterprise's affairs through a pattern of racketeering activity.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO requires a showing that (1) a person that engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. ... In order to plead a pattern of racketeering activity, a RICO claimant must show two components: (1) predicate acts, the requisite predicate activity, and (2) a pattern of such acts. ... A 'pattern of racketeering activity' requires at least two predicate acts. ... Because at least two such acts are well pleaded, the Court finds Plaintiffs successfully pleaded a pattern of racketeering activity.

Summary

Necessity of showing predicate acts and a pattern of such acts, which aligns with the proposition that Morgan and Daniel's coordinated actions could constitute a pattern of racketeering activity. The case also emphasizes that a pattern requires at least two predicate acts, which could be satisfied by their actions in obtaining an ex-parte order and preparing false documents.

[Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

A plaintiff in a civil action may recover damages under the RICO statute, 18 U.S.C. § 1961, et seq., if he is able to allege and prove: 1) a violation of 18 U.S.C. § 1962(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation. 18 U.S.C. § 1964(c) ('Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court. ... '). Section 1962, as interpreted by the Fifth Circuit Court of Appeals, provides in its simplest terms, that: *Crowe v. Henry*, 43 F.3d 198, 203 (5th Cir. 1995). All civil RICO claims require allegations and proof of '1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise.' Id. at 204 (emphasis in original).

Summary

Requirements under 18 U.S.C. § 1962(c), which aligns with the proposition that Morgan and Daniel's coordinated actions could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity.

[Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO provides civil causes of action for recovery of treble damages for '[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter.' 18 U.S.C. § 1964 (c). Plaintiffs have alleged that defendants have violated §§ 1962(c) and (d). These subsections state: 18 U.S.C. §§ 1962(c) and (d). The Fifth Circuit has interpreted these subsections to mean that 'a person who is employed by or associated with an enterprise cannot conduct the affairs of the enterprise through a pattern of racketeering activity[, and that] a person cannot conspire to violate subsection[...]. .. (c).' ... 'A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity.' St. Germain, 556 F.3d at 263. See also 18 U.S.C. § 1961(5) ('pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years. .. after the commission of a prior act of racketeering activity'). Predicate acts can be either state or federal crimes. Id.

Summary

The passage explains the requirements for establishing a RICO violation under 18 U.S.C. § 1962(c), which includes conducting the affairs of an

enterprise through a pattern of racketeering activity. It specifies that a pattern consists of two or more related predicate acts that pose a threat of continued criminal activity. This directly supports the proposition that Morgan and Daniel's coordinated actions, if they involve such predicate acts, could satisfy the requirements of a RICO violation.

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO defines 'enterprise' very broadly. The term 'enterprise' includes 'any individual, partnership, corporation, association or other legal entity, any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4). There is no restriction upon the associations embraced by the definition: a RICO 'enterprise' can be either a legal entity or an 'association in fact' enterprise. ... An illegal organization also may be an enterprise for RICO purposes. Turkette, 452 U.S. at 580-81, 101 S.Ct. at 2527-28. 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.' Id. at 583, 101 S.Ct. at 2528. In addition, the enterprise must be shown to have an existence 'separate and apart from the pattern of activity in which it engages.'

Summary

The definition of an "enterprise" under RICO is broad and includes both legal entities and associations in fact. The passage explains that an enterprise can be an illegal organization and is demonstrated by evidence of an ongoing organization where associates function as a continuing unit. This supports the proposition that Morgan and Daniel's coordinated actions could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity, as their actions could constitute an "association in fact" enterprise under RICO.

[State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

Claims under RICO, 18 U.S.C. § 1962, have three common elements: '(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.' ... Regarding the element of participation, a 'nexus between the defendant, the enterprise, and the racketeering activity' is required, which 'establish[es] by

proof that the defendant has in fact committed the racketeering acts alleged, that the defendant's association with the enterprise facilitated the commission of the acts, and that the acts had some effect on the enterprise.'

Summary

To establish a RICO claim under 18 U.S.C. § 1962(c), there must be a person engaged in a pattern of racketeering activity connected to an enterprise. The passage explains the need for a nexus between the defendant, the enterprise, and the racketeering activity, which aligns with the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could satisfy these requirements.

[Bonton v. Archer Chrysler Plymouth, Inc., 889 F.Supp. 995 \(S.D. Tex. 1995\)](#)

U.S. District Court — Southern District of Texas

Extract

Reduced to its three essentials, a civil RICO claim must involve: (1) a person who engages in (2) a pattern of racketeering activity; (3) connected to the acquisition, establishment, conduct, or control of an enterprise... A 'pattern of racketeering activity,' as required by § 1962(c), requires at least two acts of racketeering activity within a ten year period. 18 U.S.C. § 1961(5)... To prove a pattern of racketeering activity a plaintiff or prosecutor must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.

Summary

A civil RICO claim requires demonstrating a pattern of racketeering activity connected to an enterprise. The passage explains that a pattern involves at least two related acts of racketeering that pose a threat of continued criminal activity. This supports the proposition that Morgan and Daniel's coordinated actions, if they involve multiple related acts of fraud, could constitute a pattern of racketeering activity under RICO.

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

Extract

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.

Summary

18 U.S.C. § 1962(c) makes it unlawful for individuals associated with an enterprise to conduct or participate in the enterprise's affairs through a pattern of racketeering activity. The fraudulent scheme by Morgan and Daniel, involving coordinated actions to obtain an ex-parte order and prepare false documents, can be seen as participating in the conduct of an enterprise's affairs through racketeering activity. This aligns with the requirements of 18 U.S.C. § 1962(c).

[Racketeer Influenced and Corrupt Organizations](#)

American Criminal Law Review - Georgetown University Law Center - Adam Governale, Keyes Gilmer, Elizabeth Hadley, Caroline Lagumina, Omoyele Okunola - 2022-07-01

Extract

Section 1962(c), the most commonly used RICO provision, prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or affairs of that enterprise through a pattern of racketeering activity. A relationship, or nexus, between the pattern of racketeering activity and the enterprise is required.

Summary

Section 1962(c) of the RICO Act prohibits individuals associated with an enterprise from conducting its affairs through a pattern of racketeering activity. The passage emphasizes the necessity of a relationship or nexus between the racketeering activity and the enterprise. This directly supports the proposition that Morgan and Daniel's coordinated actions, which involved fraudulent activities, could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity, thus satisfying the requirements of 18 U.S.C. § 1962(c).

[Racketeer influenced and corrupt organizations.](#)

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

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or the affairs of that enterprise through a pattern of racketeering activity. (142) This requires a relationship between the pattern of racketeering activity and the enterprise. (143)

Summary

Section 1962(c) of the RICO Act makes it unlawful for individuals associated with an enterprise to conduct its affairs through a pattern of racketeering activity. The passage highlights the necessity of a relationship between the racketeering activity and the enterprise, which aligns with the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

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

Extract

Section 1962(c) prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct of the affairs of that enterprise through a pattern of racketeering activity. This requires a relationship between the pattern of racketeering activity and the enterprise.

Summary

Section 1962(c) of the RICO Act makes it unlawful for individuals associated with an enterprise to conduct its affairs through a pattern of racketeering activity. The passage highlights the necessity of a relationship between the racketeering activity and the enterprise, which aligns with the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity.

Racketeer Influenced and Corrupt Organizations Act.

**American Criminal Law Review - Georgetown University Law Center -
Bailey, Lisa Pritchard - 1999-06-22**

Extract

conduct or the affairs of that enterprise through a pattern of racketeering activity.(187) This requires a relationship between the pattern of racketeering activity and the enterprise.(188)... 18 U.S.C. [sections] 1962(c) (1994) states, '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 ... in the conduct of such enterprise's affairs through a pattern of racketeering activity'

Summary

18 U.S.C. § 1962(c) makes it unlawful for any person associated with an enterprise to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity. The passage highlights the requirement of a relationship between the pattern of racketeering activity and the enterprise, which is relevant to the proposition that Morgan and Daniel's coordinated actions constituted a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

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

Extract

18 U.S.C. [sections] 1962(c) (1994) (prohibiting person employed by or associated with enterprise from conducting or participating in conduct of enterprise's affairs through pattern of racketeering activity).

Summary

18 U.S.C. § 1962(c) makes it unlawful for any person associated with an enterprise to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity. The passage directly supports the proposition by highlighting the legal framework under which Morgan and Daniel's coordinated actions could be considered a violation of RICO, as their actions could be seen as participating in the conduct of an enterprise's affairs through a pattern of racketeering activity.

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

Section 1962(c)'s disjunctive construction makes unlawful the direct or indirect conduct of or participation in the conduct of an enterprise's affairs by any person employed by or associated with the enterprise... any person 'associated with' the enterprise--not necessarily only those 'employed by' the enterprise--who, directly or indirectly, participated in the 'conduct' of its affairs through a pattern of racketeering activity risked violating the statute... The prosecution is, however, required to prove that the defendant's actions were related to the enterprise and that those acts were known to and were intended to further the affairs of the enterprise and did in fact further the affairs of the enterprise.

Summary

Participation can be direct or indirect and does not require employment by the enterprise. It also emphasizes that the defendant's actions must be related to and intended to further the enterprise's affairs. This supports the proposition that Morgan and Daniel's coordinated actions, which furthered the enterprise's fraudulent scheme, could satisfy the requirements of 18 U.S.C. § 1962(c).

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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

Extract

Section 1962(c), the most commonly used RICO provision, prohibits persons employed by or associated with an enterprise from conducting or participating in the conduct or affairs of that enterprise through a pattern of racketeering activity. A relationship, or nexus, between the pattern of racketeering activity and the enterprise is required.

Summary

18 U.S.C. § 1962(c) requires a person associated with an enterprise to conduct its affairs through a pattern of racketeering activity. The passage highlights the necessity of a nexus between the racketeering activity and the enterprise, which aligns with the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could be seen as conducting the affairs of an enterprise through such a pattern.

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

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.
- Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering.

Summary

Essential elements required to establish a RICO claim under 18 U.S.C. § 1962(c), which includes conduct, enterprise, pattern of racketeering activity, and injury. The fraudulent scheme by Morgan and Daniel can be seen as conduct of an enterprise through a pattern of racketeering activity, as it involves coordinated actions to achieve a common fraudulent purpose. The passage supports the proposition by providing the legal framework necessary to argue that their actions satisfy the requirements of § 1962(c).

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

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

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.'

Summary

18 U.S.C. § 1962(c) targets individuals associated with enterprises who conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity. This aligns with the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity, thus satisfying the requirements of 18 U.S.C. § 1962(c).

[RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of

repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

The RICO statute requires a "pattern of racketeering activity," which involves criminal acts with similar purposes, results, participants, victims, or methods of commission. The passage also highlights the "relationship" and "continuity" elements, which are essential to establish a pattern. Morgan and Daniel's coordinated actions, including obtaining an ex parte order and preparing false documents, can be seen as interrelated criminal acts with similar purposes and methods, thus satisfying the "pattern" requirement under RICO.

[RICO: A Primer](#)

Extract

A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise. A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary.

Summary

The passage explains the requirements for establishing a RICO violation under 18 U.S.C. § 1962(c), which includes demonstrating that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The definition of an enterprise is broad and includes both legitimate and illegitimate entities. The passage also clarifies that a pattern of racketeering activity requires proof of "continuity plus relationship," which aligns with the coordinated actions of Morgan and Daniel in executing their fraudulent scheme.

[RICO: A Primer](#)

Extract

A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a RICO person can be a part of an enterprise. A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary.

Summary

The passage explains the requirements for establishing a RICO violation under 18 U.S.C. § 1962(c), which includes demonstrating that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The definition of an enterprise is broad and includes both legitimate and illegitimate entities. The passage also clarifies that a pattern of racketeering activity requires proof of continuity and relationship between the predicate acts. This supports the proposition that Morgan and Daniel's coordinated actions to execute a fraudulent scheme could be seen as conducting the affairs of an enterprise through a pattern of racketeering activity.

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