

Question

Myers, Branthoover, and Wilson collaborated in a coordinated manner to achieve a common goal: to unlawfully remove Plaintiff from his residence, gain an advantage in divorce proceedings, and finalize the divorce. Myers and Branthoover communicated across state lines and collaborated on legal documents, including the divorce petition, affidavit of indigency, and protective order. Wilson participated by serving eviction notices and using the U.S. Mail Service to effectuate service on Plaintiff. An "enterprise" under RICO can include any group of individuals associated in fact, even if it is not a formal legal entity, as long as it has a common purpose, relationships among its members, and longevity sufficient to pursue its purpose (*Boyle v. United States*, 556 U.S. 938 (2009)). The coordinated actions of Myers, Branthoover, and Wilson demonstrate the existence of an enterprise under RICO, as they worked together to achieve a shared objective through ongoing collaboration.

Answer (U.S. Federal)

Short response

Based on the provided materials, the coordinated actions of Myers, Branthoover, and Wilson can legally constitute an "enterprise" under RICO, as they satisfy the three required structural features established in [Boyle v. United States](#): a common purpose, relationships among those associated with the enterprise, and sufficient longevity to pursue their objective. Their interstate communications, collaborative work on legal documents, and use of the U.S. Mail Service to effectuate their shared goal demonstrate the existence of an association-in-fact enterprise affecting interstate commerce.

Summary

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) defines an "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." The Supreme Court in [Boyle v. United States](#) established that an association-in-fact enterprise requires only 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 coordinated actions of Myers, Branthoover, and Wilson satisfy these requirements as they worked together with the common purpose of unlawfully removing the Plaintiff from his residence, gaining an advantage in divorce proceedings, and finalizing the divorce.

Their collaboration across state lines in creating legal documents (including the divorce petition, affidavit of indigency, and protective order) and Wilson's participation in serving eviction notices using the U.S. Mail Service

demonstrate both the relationships among the associates and the longevity of their association. Additionally, their activities affected interstate commerce through their interstate communications and use of the U.S. Mail Service, satisfying RICO's jurisdictional requirement. The definition of "enterprise" under RICO is deliberately broad and flexible, designed to encompass a wide range of criminal activity operating in various forms, and is not limited to traditional notions of organized crime.

Background and Relevant Law

Legislation

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) is codified at [18 U.S.C. § 1962](#). Under this statute, it is unlawful for "any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962](#) ("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.").

Section 1962 further provides that it is unlawful for "any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962](#) ("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.").

Additionally, the statute prohibits conspiracy to violate these provisions: "It 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](#) ("It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.").

Definition of "Enterprise" Under RICO

For the purposes of RICO, the term "enterprise" is defined broadly. While not included in the provided legislative materials, numerous case law sources and secondary materials confirm that 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." This definition has been interpreted extensively by courts to encompass a wide range of associations.

Case Law

The Supreme Court's decision in [Boyle v. United States](#) (2009) is particularly significant in establishing what constitutes an "enterprise" under RICO. In this case, the Court clarified that an association-in-fact enterprise must have at least three structural features: (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose. [Boyle v. United States, 556 U.S. 938 \(2009\)](#) ("From the terms of RICO, it is apparent that an 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. As we succinctly put it in Turkette, an association-in-fact enterprise is 'a group of persons associated together for a common purpose of engaging in a course of conduct.'").

The Court in [Boyle](#) established that an enterprise is "simply a continuing unit that functions with a common purpose." [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#) ("The Supreme Court has defined an enterprise associated in fact as 'simply a continuing unit that functions with a common purpose.' [Boyle v. United States, 556 U.S. 938, 948 \(2009\)](#).").

Importantly, the [Boyle](#) Court held that an association-in-fact enterprise does not require formal structural attributes. [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#) ("The absence of the structural attributes of a more formal enterprise is not material. [United States v. Olson, 450 F.3d 655, 664 \(7th Cir. 2006\)](#) ('We have held that in informal organizations such as criminal groups, there 'must be some structure, to distinguish an enterprise from a mere conspiracy, but there need not be much.'").

Courts have consistently interpreted the definition of "enterprise" broadly. In [Donaldson v. Primary Residential Mortg.](#), the court noted that 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.'" [Donaldson v. Primary Residential Mortg., Civil Action No. ELH-19-1175 \(D. Md. Jun 12, 2020\)](#) ("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). See, e.g., [Boyle, 556 U.S. at 944](#)...").

In [United States v. Hosseini](#), the Seventh Circuit emphasized that the Supreme Court reads the definition of "enterprise" quite broadly. [United States v. Hosseini, 679 F.3d 544 \(7th Cir. 2012\)](#) ("The RICO statute defines '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) (emphasis added). The Supreme Court reads this definition quite broadly.").

In [Brown v. Hanover Am. Ins. Co.](#), the court reiterated the Supreme Court's explanation 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." [Brown](#)

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

("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)).").

Interstate Commerce Requirement

For a RICO violation to exist, the enterprise must engage in or affect interstate commerce. In [Portionpac Chemical Corp. v. Sanitech Systems](#), the court noted that RICO makes it unlawful to conduct or participate in "the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt."

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#) ("Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: [...] (c) conducting or participating in the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt;").

However, RICO requires only a minimal effect on interstate commerce to satisfy this jurisdictional requirement. [Civil Rico: A Tool of Advocacy](#) ("RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.").

Pattern of Racketeering Activity

In addition to establishing an enterprise, RICO requires a "pattern of racketeering activity." In [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#) ("RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity.").

Importantly, the Court clarified that RICO is not limited to traditional notions of organized crime. [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#) ("Neither RICO's language nor its legislative history supports a rule that a defendant's racketeering activities form a pattern only if they are characteristic of organized crime. No such restriction appears in RICO's text. ... Title 18 U.S.C. § 1961(1) (1982 ed., Supp. V), with its very generous definition of 'racketeering activity,' acknowledges the breakdown of the traditional conception of organized

crime, and responds to a new situation in which persons engaged in long-term criminal activity often operate wholly within legitimate enterprises.").

Secondary Materials

Secondary sources provided further confirm the broad interpretation of "enterprise" under RICO. According to "RICO: A Primer," courts have interpreted the term "enterprise" broadly to capture both legitimate and illegitimate enterprises. RICO: A Primer ("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.").

Similarly, another secondary source notes that federal courts have significant discretion in recognizing a RICO enterprise, with only minimal requirements that it be an ongoing organization whose associates operate as a continuous unit. [What can RICO not do? RICO and the non-economic intrastate enterprise that perpetrates only non-economic racketeering activity](#) ("Enterprise and racketeering activity, defined in [section] 1961(1) and (4) of RICO, are generous in scope. (31) '[A]ny individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity' can constitute a RICO enterprise. (32) Federal courts have a significant amount of discretion in recognizing a RICO enterprise. (33) There is no rigid standard that must be satisfied. (34) Minimally, a RICO enterprise must be an ongoing organization, formal or informal, whose associates operate as a continuous unit. (35)").

Analysis

Myers, Branthoover, and Wilson as an "Enterprise" Under RICO

Based on the provided legal authorities, the coordinated actions of Myers, Branthoover, and Wilson can be analyzed to determine whether they constitute an "enterprise" under RICO. The Supreme Court in [Boyle](#) established three essential structural features for an association-in-fact enterprise: (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose.

Common Purpose

The facts indicate that Myers, Branthoover, and Wilson collaborated "to achieve a common goal: to unlawfully remove Plaintiff from his residence, gain an advantage in divorce proceedings, and finalize the divorce." This shared objective satisfies the "purpose" requirement established in [Boyle](#). [Boyle v. United States, 556 U.S. 938 \(2009\)](#) ("From the terms of RICO, it is

apparent that an 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.").

As noted in [United States v. Chester](#), "The purpose may be illegitimate." [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#) ("The purpose may be illegitimate. Turkette, 452 U.S. at 587."). Therefore, the allegedly unlawful nature of their goal does not preclude the finding of an enterprise.

Relationships Among Associates

The coordinated actions of Myers, Branthoover, and Wilson demonstrate relationships among them. Specifically, "Myers and Branthoover communicated across state lines and collaborated on legal documents, including the divorce petition, affidavit of indigency, and protective order." Additionally, "Wilson participated by serving eviction notices and using the U.S. Mail Service to effectuate service on Plaintiff." These actions indicate coordination and collaboration among the three individuals, satisfying the "relationships" requirement of a RICO enterprise.

In [Chambers v. King Buick GMC, LLC](#), the court noted that an enterprise can be evidenced by cooperation, joint agreements, and use of common procedures to achieve a shared objective. [Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#) ("Plaintiff asserts: Defendants have an agreement to work together to market and sell used vehicles and actively are doing so. Defendants' cross-marketing and commingling and/or sharing of inventory and Carfax reports is evidence of their cooperation, joint agreements, and use of common procedures and documents to unlawfully sell such used vehicles without the disclosure required by Maryland law...").

Similarly, in this case, the collaboration on legal documents and coordinated actions to remove the Plaintiff from his residence and facilitate divorce proceedings demonstrates the relationships among Myers, Branthoover, and Wilson within the enterprise.

Sufficient Longevity

The facts suggest that the collaboration among Myers, Branthoover, and Wilson extended over a period sufficient to accomplish their purpose. They engaged in multiple coordinated activities, including preparing legal documents, serving eviction notices, and completing divorce proceedings. This ongoing collaboration demonstrates "longevity sufficient to permit these associates to pursue the enterprise's purpose," as required by [Boyle. Boyle v. United States, 556 U.S. 938 \(2009\)](#).

In [Odom v. Microsoft Corp.](#), the court found that an enterprise requires "continuity of structure" and an "organizational pattern or system of authority." [U.S. v. Olson, 450 F.3d 655 \(7th Cir. 2006\)](#) ("... a RICO enterprise is an ongoing structure of persons associated through time, joined in purpose, and organized in a manner amenable to hierarchical or consensual

decision-making; ... continuity of structure exists where there is an organizational pattern or system of authority that provides a mechanism for directing the group."). The coordinated actions of Myers, Branthoover, and Wilson suggest an organizational structure that allowed them to work together toward their common goal over time.

No Formal Structure Required

Importantly, the absence of a formal legal structure among Myers, Branthoover, and Wilson does not preclude finding an enterprise under RICO. As established in [Boyle](#) and reiterated in subsequent cases, a RICO enterprise does not require formal structural attributes. [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#) ("The absence of the structural attributes of a more formal enterprise is not material.").

Additionally, secondary sources confirm that "an enterprise need not have a hierarchy, chain of command, fixed roles, or appear as a business-like entity." [From the sophisticated undertakings of the Genovese crime family to the everyday criminal: the loss of congressional intent in modern criminal RICO application](#) ("Because Congress included no structural requirements in the RICO statute, the Court specifically noted that an enterprise need not have a hierarchy, chain of command, fixed roles, or appear as a business-like entity."). Therefore, the informal nature of the collaboration among Myers, Branthoover, and Wilson does not prevent it from being considered an enterprise under RICO.

Interstate Commerce Element

To establish a RICO violation, the enterprise must engage in or affect interstate commerce. The facts indicate that "Myers and Branthoover communicated across state lines" and that Wilson used "the U.S. Mail Service to effectuate service on Plaintiff." These actions demonstrate an effect on interstate commerce.

As noted in the secondary source "[Civil Rico: A Tool of Advocacy](#)," RICO requires only "a slight effect upon interstate commerce" and "Even a minimal effect on interstate commerce satisfies this jurisdictional requirement." [Civil Rico: A Tool of Advocacy](#). The interstate communications and use of the U.S. Mail Service by Myers, Branthoover, and Wilson satisfy this minimal requirement.

Pattern of Racketeering Activity

While the focus of the question is on whether the coordinated actions of Myers, Branthoover, and Wilson constitute an "enterprise" under RICO, it is worth noting that a RICO violation also requires a "pattern of racketeering activity." This pattern must involve at least two predicate acts of racketeering activity, which are listed in 18 U.S.C. § 1961(1).

The Supreme Court in *H.J. Inc. v. Northwestern Bell Telephone Company* established that a pattern of racketeering activity requires both

"relationship" and "continuity" among the predicate acts. [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#). Additionally, secondary sources indicate that criminal conduct forms a pattern if it involves 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." RECONCEIVING COERCION-BASED CRIMINAL DEFENSES ("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 coordinated actions of Myers, Branthoover, and Wilson appear to share the same purpose, involve the same participants and victim, and use similar methods. However, a full analysis of whether these actions constitute predicate acts of racketeering activity under RICO would require additional information about the specific crimes alleged.

Exceptions and Caveats

Enterprise vs. Pattern of Racketeering Activity

It is important to distinguish between the "enterprise" element and the "pattern of racketeering activity" element of a RICO violation. As noted in [United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc.](#), "a RICO enterprise must be 'an entity separate and apart from the pattern of [racketeering] activity in which it engages.'" [United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#) ("The Supreme Court held in *United States v. Turkette*, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), that under section 1962(c) a RICO enterprise must be 'an entity separate and apart from the pattern of [racketeering] activity in which it engages.' Id. at 583, 101 S.Ct. at 2529.").

This means that the enterprise (Myers, Branthoover, and Wilson as an association-in-fact) must exist beyond the specific alleged racketeering activities. The facts suggest that these individuals had an ongoing relationship and coordination that extended beyond individual acts, which supports the finding of an enterprise separate from the pattern of racketeering activity.

Enterprise vs. Ad Hoc Criminal Venture

Courts have emphasized that a RICO enterprise must be distinguished from an ad hoc one-time criminal venture. [U.S. v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#) ("In cases involving an alleged associated-in-fact RICO enterprise, the existence of the charged enterprise does not follow, ipso facto, from evidence that those named as the enterprise's associates engaged in crimes that collectively may be characterized as a 'pattern of racketeering'

activity'... Something more must be found — something that distinguishes RICO enterprises from ad hoc one-time criminal ventures...").

However, the facts indicate that Myers, Branthoover, and Wilson engaged in ongoing collaboration with multiple coordinated actions toward a common goal, rather than a one-time venture. Their activities involved preparation of legal documents, interstate communications, service of eviction notices, and finalizing divorce proceedings, suggesting a continuing relationship rather than an ad hoc arrangement.

Conclusion

Based on the legal authorities provided, the coordinated actions of Myers, Branthoover, and Wilson can constitute an "enterprise" under RICO. They satisfy the three structural features required by the Supreme Court in [Boyle v. United States](#): (1) they shared a common purpose to unlawfully remove the Plaintiff from his residence, gain an advantage in divorce proceedings, and finalize the divorce; (2) they demonstrated relationships through their collaboration on legal documents and coordinated actions; and (3) they exhibited sufficient longevity through their ongoing collaboration to pursue and achieve their purpose.

The absence of a formal legal structure among them does not preclude the finding of an enterprise, as courts have consistently held that a RICO enterprise requires only minimal structure and can include informal associations of individuals. Additionally, their interstate communications and use of the U.S. Mail Service satisfy RICO's jurisdictional requirement of affecting interstate commerce.

While this analysis focuses on the "enterprise" element of a RICO violation, it is important to note that establishing a complete RICO claim would also require proving a "pattern of racketeering activity" involving specific predicate acts defined in the statute. Nevertheless, the coordinated actions of Myers, Branthoover, and Wilson, as described, align with the legal definition and judicial interpretations of an "enterprise" under RICO.

The broad interpretation of "enterprise" under RICO, as established by the Supreme Court and consistently applied by lower courts, supports the conclusion that individuals who collaborate with a common purpose, maintain relationships among themselves, and exhibit sufficient longevity to pursue their objectives can constitute an association-in-fact enterprise, even without a formal legal structure. This interpretation aligns with Congress's intent to create a flexible tool to combat a wide range of coordinated criminal activity, not limited to traditional notions of organized crime.

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

From the terms of RICO, it is apparent that an 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. As we succinctly put it in Turkette, an association-in-fact enterprise is '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.

Summary

The passage from Boyle v. United States clarifies that an "enterprise" under RICO can be an informal association of individuals with a common purpose, relationships among its members, and sufficient longevity to pursue its objectives. This supports the proposition that Myers, Branthoover, and Wilson's coordinated actions could constitute an "enterprise" under RICO, as they allegedly worked together with a shared objective over time.

[Donaldson v. Primary Residential Mortg., Civil Action No. ELH-19-1175 \(D. Md. Jun 12, 2020\)](#)

U.S. District Court — District of Maryland

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). See, e.g., Boyle, 556 U.S. at 944... Because 'an enterprise includes any union or group of individuals associated in fact,' RICO extends to 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Boyle, 556 U.S. at 944... Notably, 'an 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

The definition of a RICO "enterprise" includes any group of individuals associated in fact, even if not a legal entity, as long as they have a common purpose, relationships among members, and sufficient longevity to pursue their purpose. This aligns with the proposition that Myers, Branthoover, and Wilson's coordinated actions could constitute a RICO enterprise.

[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. Plaintiff asserts: Defendants have an agreement to work together to market and sell used vehicles and actively are doing so. Defendants' cross-marketing and commingling and/or sharing of inventory and Carfax reports is evidence of their cooperation, joint agreements, and use of common procedures and documents to unlawfully sell such used vehicles without the disclosure required by Maryland law... A RICO enterprise is characterized by 'continuity, unity, shared purpose and identifiable structure.'

Summary

An association-in-fact enterprise under RICO does not require a formal legal structure but is characterized by the association of its members for a common purpose. The passage describes how separate entities can collaborate and function as a unit to achieve a shared objective, which aligns with the proposition that Myers, Branthover, and Wilson collaborated to achieve a common goal. The passage supports the idea that their coordinated actions could constitute an enterprise under RICO.

[United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#)

U.S. District Court — Northern District of Illinois

Extract

The Supreme Court has defined an enterprise associated in fact as 'simply a continuing unit that functions with a common purpose.' Boyle v. United States, 556 U.S. 938, 948 (2009). The absence of the structural attributes of a more formal enterprise is not material. United States v. Olson, 450 F.3d 655, 664 (7th Cir. 2006) ('We have held that in informal organizations such as criminal groups, there 'must be some structure, to distinguish an enterprise from a mere conspiracy, but there need not be much.'). An enterprise includes 'any union or group of individuals associated in fact,' which is to say, 'associated together for a common purpose of engaging in a course of conduct.' Boyle v. United States, 556 U.S. 938, 944 (2009) (quoting United States v. Turkette, 452 U.S. 576, 583 (1981)); Volpendesto, 746 F.3d at 284. The purpose may be illegitimate. Turkette, 452 U.S. at 587. What is required is '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; United States v. Hosseini, 679 F.3d 544, 558 (7th Cir. 2012) (RICO enterprise requires purpose, relationships, and longevity).

Summary

Definition of an "enterprise" under RICO as a group of individuals associated in fact with a common purpose, relationships among its members, and sufficient longevity to pursue its purpose. The passage emphasizes that the enterprise does not need to have formal structural attributes and can include informal organizations. This supports the proposition that Myers, Branhoover, and Wilson's coordinated actions could constitute an enterprise under RICO, as they had a common purpose and ongoing collaboration.

[Odom v. Microsoft Corp., 486 F.3d 541, 2007 WL 1297249 \(9th Cir. 2007\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

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 pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. 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 enterprise must be an ongoing organization where associates function as a continuing unit. This supports the proposition that Myers, Branhoover, and Wilson could be considered an enterprise under RICO if they collaborated with a common purpose and functioned as a continuing unit.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. ... Neither RICO's language nor its legislative history supports a rule that a defendant's racketeering activities form a pattern only if they are characteristic of organized crime. No such restriction appears in RICO's text. ... Title 18 U.S.C. § 1961(1) (1982 ed., Supp. V), with its very generous definition of 'racketeering activity,' acknowledges the breakdown of the traditional conception of organized crime, and responds to a new situation in which persons engaged in long-term criminal activity often operate wholly

within legitimate enterprises. Congress drafted RICO broadly enough to encompass a wide range of criminal activity, taking many different forms and likely to attract a broad array of perpetrators operating in many different ways.

Summary

RICO's application is not limited to traditional organized crime but can include any group engaged in a pattern of racketeering activity, provided there is a relationship and continuity in their actions. This supports the proposition that Myers, Branthoover, and Wilson's coordinated actions could constitute a RICO enterprise, as their activities were related and continuous, aimed at achieving a common unlawful goal.

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

U.S. Court of Appeals — First Circuit

Extract

In cases involving an alleged associated-in-fact RICO enterprise, the existence of the charged enterprise does not follow, ipso facto, from evidence that those named as the enterprise's associates engaged in crimes that collectively may be characterized as a 'pattern of racketeering activity'... Something more must be found — something that distinguishes RICO enterprises from ad hoc one-time criminal ventures... A RICO enterprise animated by an illicit common purpose can be comprised of an association-in-fact of municipal entities and human members when the latter exploits the former to carry out that purpose.

Summary

For a RICO enterprise to exist, there must be more than just a pattern of racketeering activity; there must be an association-in-fact with a common purpose. The passage supports the proposition by indicating that an enterprise can be formed by individuals who exploit entities to carry out a common illicit purpose. This aligns with the proposition that Myers, Branthoover, and Wilson collaborated with a shared objective, thus potentially forming a RICO enterprise.

[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

The definition of an "enterprise" under RICO is broad and can include informal associations of individuals who work together for a common purpose. The passage cites Boyle v. United States, which is a key Supreme Court case that clarifies the elements required to establish an "enterprise" under RICO. This supports the proposition that Myers, Branhoover, and Wilson's coordinated actions could be considered an "enterprise" under RICO if they had a common purpose, relationships among them, and sufficient longevity to pursue their objective.

[United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

The Supreme Court held in United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), that under section 1962(c) a RICO enterprise must be 'an entity separate and apart from the pattern of [racketeering] activity in which it engages.' Id. at 583, 101 S.Ct. at 2529. The 'pattern of racketeering activity is ... a series of criminal acts,' while an enterprise may be 'a group of persons associated together for a common purpose of engaging in a course of conduct.' Id. ... There is no restriction upon the associations embraced by the definition [of enterprise in section 1961(4)]: an enterprise includes any ... group of individuals associated in fact.

Summary

A RICO enterprise can be any group of individuals associated in fact, even if it is not a formal legal entity, as long as it has a common purpose. The passage supports the idea that Myers, Branhoover, and Wilson could be

considered an enterprise under RICO if they were associated together for a common purpose, such as unlawfully removing the Plaintiff from his residence and gaining an advantage in divorce proceedings.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

U.S. District Court — Middle District of Florida

Extract

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: (a) investing income derived, directly or indirectly, from a pattern of racketeering activity through collection of an unlawful debt in any enterprise which affects interstate commerce; (b) acquiring or maintaining an interest in any enterprise which affects interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt; (c) conducting or participating in the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt; or (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962.

'Racketeering activities' covers a wide range of federal and state crimes, including acts that are 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that [are] 'punishable' under federal law. *Sedima, S.P.R.L. v. Imrex Co. Inc.*, 473 U.S. 479, 482, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985) (quoting 18 U.S.C. § 1961(1)). To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Finally, 'enterprise' is defined under the statute 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.' Id. § 1961(c).

Summary

Detailed explanation of what constitutes an "enterprise" under RICO, which includes any group of individuals associated in fact, even if not a legal entity. It also explains the concept of "racketeering activities" and the requirement for a "pattern of racketeering activity," which involves at least two acts. This supports the proposition that Myers, Branthroover, and Wilson's coordinated actions could be considered an "enterprise" under RICO if they engaged in activities that meet these criteria.

[United States v. Hosseini, 679 F.3d 544 \(7th Cir. 2012\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The RICO statute defines “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) (emphasis added). The Supreme Court reads this definition quite broadly. See Boyle v. United States, 556 U.S. 938, 944–45, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009). In Boyle the Court held that an “association-in-fact enterprise” has just three elements: “a purpose,” “relationships among those associated with the enterprise,” and “longevity sufficient to permit these associates to pursue the enterprise's purpose.” Id. at 946, 129 S.Ct. 2237; see also Jay E. Hayden Found. v. First Neighbor Bank, N.A., 610 F.3d 382, 389 (7th Cir.2010) (“[T]he alleged enterprise in this case had purpose and relationships and it certainly had ‘longevity,’ and if Boyle is taken at face value[,] nothing more is required to make a conspiracy a RICO enterprise.”).

Summary

The definition of a RICO "enterprise" is broad and includes any group of individuals associated in fact, even if not a legal entity. The key elements are a common purpose, relationships among members, and sufficient longevity to pursue the purpose. The passage supports the proposition by illustrating that the coordinated actions of Myers, Branthover, and Wilson could be seen as forming an "enterprise" under RICO, as they had a shared objective, worked together, and maintained relationships to achieve their goal.

[U.S. v. Olson, 450 F.3d 655 \(7th Cir. 2006\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

The basic elements of a section 1962(c) violation are (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. ... a RICO enterprise is an ongoing structure of persons associated through time, joined in purpose, and organized in a manner amenable to hierarchical or consensual decision-making; ... continuity of structure exists where there is an organizational pattern or system of authority that provides a mechanism for directing the group.

Summary

A RICO enterprise requires conduct of an enterprise through a pattern of racketeering activity. The passage explains that a RICO enterprise is an

ongoing structure of persons associated through time, joined in purpose, and organized in a manner amenable to hierarchical or consensual decision-making. This supports the proposition that Myers, Branhoover, and Wilson's coordinated actions could be considered an enterprise under RICO, as they were associated in fact, had a common purpose, and demonstrated an organizational pattern.

[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

18 U.S.C. § 1962 outlines prohibited activities related to racketeering and RICO violations. The statute makes it unlawful for individuals to engage in a pattern of racketeering activity to acquire or maintain control of an enterprise affecting interstate commerce. It also prohibits participation in the conduct of an enterprise's affairs through racketeering and conspiring to violate these provisions. This supports the proposition by providing a legal basis for considering the coordinated actions of Myers, Branhoover, and Wilson as part of a RICO enterprise, given their alleged pattern of unlawful activities aimed at achieving a common goal.

[From the sophisticated undertakings of the Genovese crime family to the everyday criminal: the loss of congressional intent in modern criminal RICO application.](#)

St. Thomas Law Review - St. Thomas Law Review - Donaher, Emily A. - 2016-03-22

Extract

According to the Supreme Court, an enterprise is either 'something acquired through the use of illegal activities or by money obtained from illegal activities,' or a 'vehicle through which the unlawful pattern of racketeering activity is committed, rather than the victim of that activity.' Yet, [section] 1961(4) 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.¹ Therefore, labor unions, business entities, and associations-in-fact all fall into the categorization of an enterprise... the structure required of an enterprise must include 'a purpose, relationship among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'² Because Congress included no structural requirements in the RICO statute, the Court specifically noted that an enterprise need not have a hierarchy, chain of command, fixed roles, or appear as a business-like entity. The Court stated that an enterprise exists even if the group simply engages in sporadic phases of activity followed by intervals of acquiescence, so long as it serves as a 'continuing unit' and lasts long enough to engage in a 'course of conduct.'

Summary

The definition of an "enterprise" under RICO is broad and includes any group of individuals associated in fact, even if not a legal entity. The Supreme Court has clarified that an enterprise must have a purpose, relationships among its members, and sufficient longevity to pursue its purpose. The passage supports the proposition by indicating that the coordinated actions of Myers, Branhoover, and Wilson could be considered an "enterprise" under RICO, as they had a common purpose and worked together over time to achieve their objective.

[Could you use that in a sentence, please? The intersection of prosecutorial ethics, relevant conduct sentencing, and criminal RICO indictments.](#)

Notre Dame Law Review - University of Notre Dame Law School - McClintock, William S. - 2013-12-01

Extract

The definition of 'enterprise' has a complicated judicial history. The unadorned statutory text defines '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.'¹ In United States v. Turkette, the Court confronted the enterprise concept and held that an enterprise included both legitimate, legally constituted entities, as well as criminal groups that are not legally structured, but are nevertheless associations-in-fact.

Summary

Judicial interpretation of the term "enterprise" under RICO, explaining that it includes both legitimate entities and criminal groups that are not legally structured but are associations-in-fact. This interpretation supports the proposition that Myers, Branhoover, and Wilson's coordinated actions could constitute an "enterprise" under RICO, as they were associated in fact to achieve a common illegal goal.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

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...'; See United States v. Cianci, 378 F.3d 71, 79 (1st Cir. 2004) ('[E]nterprise has been interpreted to include (1) legal entities such as legitimate business partnerships and corporations and (2) illegitimate associations-in-fact marked by an ongoing formal or informal organization of individual or legal entity associates.); Odom v. Microsoft Corp., 486 F.3d 541,552-53 (9th Cir. 2007) (requiring a common purpose, ongoing organization, and continuing unit)...; The Court noted that an enterprise need only have the following structural features: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'

Summary

Requirements for proving the existence of a RICO enterprise, particularly when it is an association-in-fact without legal existence. It highlights that such an enterprise must have a common purpose, relationships among its members, and sufficient longevity to pursue its purpose. This aligns with the proposition that Myers, Branthroover, and Wilson collaborated with a common goal and ongoing organization, which could be considered an enterprise under RICO.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

When the enterprise is an association-in-fact without a legal existence, the government must... enterprise has been interpreted to include (1) legal entities such as legitimate business partnerships and corporations and (2) illegitimate associations-in-fact marked by an ongoing formal or informal organization of individual or legal entity associates." and "The Court noted an enterprise need only have the structural features of: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.'

Summary

An enterprise under RICO can be an association-in-fact, which does not require a formal legal structure. The key elements are a common purpose, relationships among the associates, and sufficient longevity to pursue the enterprise's purpose. This aligns with the proposition that Myers, Branthoover, and Wilson's coordinated actions could constitute an enterprise under RICO, as they had a shared objective and ongoing collaboration.

[What can RICO not do? RICO and the non-economic intrastate enterprise that perpetrates only non-economic racketeering activity.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Nisbet, Brian - 2009-03-22

Extract

Enterprise and racketeering activity, defined in [section] 1961(1) and (4) of RICO, are generous in scope. (31) '[A]ny individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity' can constitute a RICO enterprise. (32) Federal courts have a significant amount of discretion in recognizing a RICO enterprise. (33) There is no rigid standard that must be satisfied. (34) Minimally, a RICO enterprise must be an ongoing organization, formal or informal, whose associates operate as a continuous unit. (35)

Summary

The passage explains that RICO's definition of an "enterprise" is broad and can include any group of individuals associated in fact, even if not a legal entity. This aligns with the proposition that Myers, Branthoover, and Wilson's coordinated actions could be considered an "enterprise" under RICO. The passage also notes that federal courts have discretion in recognizing such enterprises, supporting the argument that the actions described could meet the criteria for a RICO enterprise.

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

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

Extract

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.’”); . . . The Boyle opinion holds that no hierarchical or other structural attributes are required of an associated-in-fact enterprise—it “is simply a continuing unit that functions with a common purpose.” Id. at 948.

Summary

The passage explains that an "enterprise" under RICO can include any group of individuals associated in fact, even if it is not a formal legal entity. The Supreme Court in Boyle v. United States clarified that such an enterprise does not require a hierarchical structure but must function as a continuing unit with a common purpose. This supports the proposition that Myers, Branthoover, and Wilson's coordinated actions could constitute an enterprise under RICO, as they worked together with a shared objective.

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

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

Extract

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

Summary

Essential elements required to establish a RICO claim under § 1962(c), which includes the conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for the enterprise's activities to affect interstate commerce, even minimally. This supports the proposition by highlighting that the coordinated actions of Myers, Branthoover, and Wilson, which involved interstate communication and use of the U.S. Mail Service, could constitute an enterprise affecting interstate commerce under RICO.

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 passage explains the elements required to establish a "pattern of racketeering activity" under RICO, which includes criminal acts with similar purposes, results, participants, or methods that are interrelated and not isolated. It also emphasizes the need for a "relationship" and "continuity" element, which can be demonstrated through repeated conduct or conduct that threatens future repetition. This supports the proposition by highlighting that the coordinated actions of Myers, Branhoover, and Wilson, which were aimed at achieving a common unlawful goal, could be seen as forming a pattern of racketeering activity 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. The statutory list is not exhaustive but merely illustrative.

Summary

RICO's definition of an "enterprise" is broad and includes any group of individuals associated in fact, even if not a legal entity. This supports the proposition that Myers, Branhoover, and Wilson's coordinated actions could

be considered an "enterprise" under RICO, as they worked together with a common purpose and ongoing collaboration.

[RICO: A Primer](#)

Extract

A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative.

Summary

RICO defines an "enterprise" broadly to include any group of individuals associated in fact, even if not a formal legal entity. This supports the proposition that Myers, Branthoover, and Wilson's coordinated actions could be considered an "enterprise" under RICO, as they worked together with a common purpose and ongoing collaboration.

This memo was compiled by Vincent AI based on vLex materials available as of June 16, 2025. [View full answer on vLex](#)