

## **Question**

Plaintiff alleged multiple predicate acts (wire fraud, Travel Act violations, perjury/subornation of perjury) spanning at least 18 months, involving two defendants, interstate activity, and ongoing communications and threats. To state a civil RICO claim under 18 U.S.C. § 1962(c), a plaintiff must plausibly allege: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. (See H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239 (1989); Johnson v. Heath, 56 F.4th 851, 858 (10th Cir. 2022)). The "pattern" element requires both relatedness and continuity. Relatedness is satisfied if predicate acts have similar purposes, results, participants, victims, or methods, or are otherwise interrelated. Continuity can be closed-ended (a series of related acts over a substantial period) or open-ended (acts that threaten future repetition). (H.J. Inc., 492 U.S. at 239-41). The district court erred by focusing narrowly on the temporal proximity of the initial predicate acts and by treating subsequent communications and threats as unrelated, rather than as evidence of ongoing racketeering activity or a threat of continued criminal conduct. The court also failed to consider whether the scheme, as alleged, could constitute open-ended continuity due to ongoing threats and interference with Plaintiff's business and property interests.

## **Answer (Tenth Circuit)**

### **Short response**

The district court erred by narrowly focusing on the timing of the initial predicate acts and by failing to consider ongoing communications and threats as evidence of a continuing racketeering scheme; under established Supreme Court and Tenth Circuit precedent, the plaintiff's allegations plausibly support both the relatedness and continuity required for a RICO "pattern," including open-ended continuity due to ongoing threats and interference. The court should have evaluated whether the alleged conduct, spanning at least 18 months and involving multiple predicate acts and ongoing threats, constituted a pattern of racketeering activity under 18 U.S.C. § 1962(c).

### **Summary**

To state a civil RICO claim under 18 U.S.C. § 1962(c), a plaintiff must allege conduct of an enterprise through a pattern of racketeering activity, with the "pattern" element requiring both relatedness and continuity. The authorities make clear that relatedness is satisfied when predicate acts share similar purposes, results, participants, victims, or methods, and continuity can be established either by a closed period of repeated conduct (closed-ended) or by acts that threaten future repetition (open-ended); ongoing threats and interference with business interests are highly relevant to the continuity analysis.

The district court's error lay in treating subsequent communications and threats as unrelated to the initial predicate acts, rather than as evidence of ongoing racketeering activity or a threat of continued criminal conduct. The case law, especially from the Supreme Court and the Tenth Circuit, requires courts to consider the broader context of the alleged scheme—including ongoing threats and interference—as potentially supporting open-ended continuity, and not to focus solely on the temporal proximity of the initial acts.

## Background and Relevant Law

### Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. § 1962(c), prohibits any person employed by or associated with an enterprise engaged in interstate commerce from conducting or participating in the conduct of such enterprise's affairs through a pattern of racketeering activity. The statute defines "racketeering activity" to include a wide range of federal and state crimes, such as wire fraud, Travel Act violations, and perjury, among others (RICO: A Primer (2022-01-31); [Joseph v. U.S. Pub. Defenders Office](#) (W.D. Okla. 2021)).

A "pattern of racketeering activity" requires at least two acts of racketeering activity within a ten-year period (18 U.S.C. § 1961(5); [UMB Bank v. Monson, 21-CV-2504-EFM \(D. Kan. Jun 04, 2025\)](#)). However, the Supreme Court has clarified that two acts are necessary but not sufficient; the acts must be related and must amount to or pose a threat of continued criminal activity (H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 (1989); [Janis v. Story & Associates, 124 F.3d 216 \(10th Cir. 1993\)](#)).

### Case Law: Pattern, Relatedness, and Continuity

The Supreme Court in H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 (1989) established that a RICO "pattern" requires both "continuity plus relationship." The Tenth Circuit has consistently followed this framework, requiring plaintiffs to show that predicate acts are related (i.e., they have similar purposes, results, participants, victims, or methods, or are otherwise interrelated and not isolated events) and that there is continuity (i.e., either a closed period of repeated conduct or conduct that by its nature projects into the future with a threat of repetition) ([Johnson v. Heath, 56 F.4th 851 \(10th Cir. 2022\)](#); [Resolution Trust Corp. v. Stone, 998 F.2d 1534 \(10th Cir. 1993\)](#); [Boone v. Carlsbad Bancorporation, Inc., 972 F.2d 1545 \(10th Cir. 1992\)](#)).

**Relatedness** is generally not a difficult hurdle; it is satisfied if the predicate acts are part of a common scheme or share similar characteristics ([Boone v. Carlsbad Bancorporation, Inc., 972 F.2d 1545 \(10th Cir. 1992\)](#); [UMB Bank v. Monson, 21-CV-2504-EFM \(D. Kan. Jun 04, 2025\)](#)).

**Continuity** is more demanding. It can be established in two ways:

- **Closed-ended continuity:** A series of related predicate acts extending over a substantial period of time. Acts over a few weeks or months are generally insufficient; courts look for conduct spanning a significant period, often a year or more ([Resolution Trust Corp. v. Stone, 998 F.2d 1534 \(10th Cir. 1993\)](#); [Sil-Flo, Inc. v. SFHC, Inc., 917 F.2d 1507 \(10th Cir. 1990\)](#)).
- **Open-ended continuity:** Conduct that, by its nature, projects into the future with a threat of repetition. This can be shown by ongoing threats, interference, or conduct that is the regular way of conducting the enterprise's business ([Johnson v. Heath, 56 F.4th 851 \(10th Cir. 2022\)](#); [Nation v. Shah, 4:19-cv-00588-JDR-JFJ \(N.D. Okla. Oct. 30, 2024\)](#)).

The Tenth Circuit and district courts within its jurisdiction have repeatedly emphasized that continuity is a fact-specific inquiry, and that ongoing threats or interference with a plaintiff's business or property interests may support a finding of open-ended continuity ([100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#); [Gotfredson v. Larsen Lp, 432 F.Supp.2d 1163 \(D. Colo. 2006\)](#)).

## Analysis

### Application of the Pattern Requirement

#### Relatedness

The plaintiff's allegations of multiple predicate acts—wire fraud, Travel Act violations, and perjury/subornation of perjury—spanning at least 18 months, involving two defendants, and targeting the plaintiff's business and property interests, satisfy the relatedness requirement. The acts are not isolated; they are part of an alleged scheme with common purposes (to harm or defraud the plaintiff), similar methods (fraud, threats, and perjury), and overlapping participants and victims ([UMB Bank v. Monson, 21-CV-2504-EFM \(D. Kan. Jun 04, 2025\)](#); [Boone v. Carlsbad Bancorporation, Inc., 972 F.2d 1545 \(10th Cir. 1992\)](#)). The authorities make clear that relatedness is established when predicate acts are interrelated by purpose, method, or victim, and need not be identical in every respect ([Schrag v. Dinges, 788 F.Supp. 1543 \(D. Kan. 1992\)](#); RICO: A Primer (2022-01-31)).

#### Continuity

The more challenging question is whether the plaintiff has adequately alleged continuity. The facts—predicate acts over at least 18 months, ongoing communications, and threats—support both closed-ended and open-ended continuity.

- **Closed-ended continuity:** Courts have found that a series of related predicate acts over a substantial period (typically more than a year) can establish closed-ended continuity ([Resolution Trust Corp. v. Stone, 998](#)

[F.2d 1534 \(10th Cir. 1993\)](#); [Sensoria, LLC v. Kaweske, 581 F.Supp.3d 1243 \(D. Colo. 2022\)](#)). Here, the alleged conduct spanned at least 18 months, which is generally sufficient to meet the “substantial period” threshold, especially when the acts are numerous and part of a common scheme.

- **Open-ended continuity:** Even if the court were to find the closed-ended period insufficient, the ongoing nature of the threats and interference with the plaintiff’s business and property interests supports a finding of open-ended continuity. The Tenth Circuit has held that open-ended continuity exists where the predicate acts involve ongoing threats, form the regular way of conducting the enterprise’s affairs, or otherwise project into the future with a threat of repetition ([Johnson v. Heath, 56 F.4th 851 \(10th Cir. 2022\)](#); [Nation v. Shah, 4:19-cv-00588-JDR-JFJ \(N.D. Okla. Oct 30, 2024\)](#)). Ongoing communications and threats, especially when they interfere with business operations, are classic examples of conduct that may support open-ended continuity ([100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)).

The district court’s error was in treating the subsequent communications and threats as unrelated to the initial predicate acts, rather than as evidence of a continuing scheme. The authorities make clear that the continuity analysis must consider the entire context of the alleged conduct, including ongoing threats and interference, not just the timing of the initial acts ([Purvis v. Hamwi, 828 F.Supp. 1479 \(D. Colo. 1993\)](#); [Gotfredson v. Larsen Lp, 432 F.Supp.2d 1163 \(D. Colo. 2006\)](#)).

## The District Court’s Error

The district court’s focus on the temporal proximity of the initial predicate acts, to the exclusion of subsequent communications and threats, is inconsistent with Supreme Court and Tenth Circuit precedent. The authorities require courts to assess whether the alleged conduct, taken as a whole, demonstrates a threat of continued criminal activity or a regular way of conducting the enterprise’s affairs ([H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 \(1989\)](#); [Resolution Trust Corp. v. Stone, 998 F.2d 1534 \(10th Cir. 1993\)](#)). Ongoing threats and interference are highly relevant to the continuity analysis and may support a finding of open-ended continuity, even if the initial acts occurred within a relatively short period ([Johnson v. Heath, 56 F.4th 851 \(10th Cir. 2022\)](#); [Nation v. Shah, 4:19-cv-00588-JDR-JFJ \(N.D. Okla. Oct 30, 2024\)](#)).

The Tenth Circuit has also cautioned that continuity is a fact-specific inquiry, and that courts should not impose a bright-line rule based solely on the duration of the predicate acts ([U.S. v. Smith, 413 F.3d 1253 \(10th Cir. 2005\)](#)). Although [U.S. v. Smith](#) was stated as overruled by [United States v. Nissen, 555 F.Supp.3d 1174 \(D. N.M. 2021\)](#), the principle that continuity is a flexible, fact-driven concept remains valid and is supported by other binding authorities.

## **Ongoing Threats and Interference as Evidence of Open-Ended Continuity**

The authorities are clear that ongoing threats and interference with a plaintiff's business or property interests may constitute open-ended continuity. For example, in [100 Mount Holly Bypass v. Axos Bank](#), the court found that ongoing extortive demands and threats to business operations supported a finding of continuity. Similarly, in [Johnson v. Heath](#) and [Nation v. Shah](#), the courts recognized that ongoing threats or interference may establish open-ended continuity, even if the initial predicate acts occurred over a relatively short period.

The district court's failure to consider whether the ongoing threats and interference could support open-ended continuity was therefore a legal error. The proper analysis requires consideration of whether the alleged conduct, including ongoing communications and threats, demonstrates a threat of continued racketeering activity ([Resolution Trust Corp. v. Stone](#), 998 F.2d 1534 (10th Cir. 1993); [Purvis v. Hamwi](#), 828 F.Supp. 1479 (D. Colo. 1993)).

## **Multiple Defendants and Interstate Activity**

The involvement of multiple defendants and interstate activity further supports the existence of a RICO enterprise and a pattern of racketeering activity. The authorities recognize that RICO applies to both legitimate and illegitimate enterprises, and that the statute's reach is broad enough to encompass schemes involving multiple actors and interstate conduct (RICO: A Primer (2022-01-31); [Torwest DBC, Inc. v. Dick](#), 810 F.2d 925 (10th Cir. 1987)). The presence of multiple participants and interstate communications strengthens the inference that the alleged conduct is not isolated or sporadic, but rather part of a coordinated scheme.

## **Exceptions and Caveats**

While the authorities overwhelmingly support the conclusion that ongoing threats and interference may establish open-ended continuity, there are some caveats. The Tenth Circuit has, in certain cases, declined to find a pattern where the alleged scheme involved only a single victim and a single discrete objective, even if pursued through multiple illegal acts ([Civil Rico: A Tool of Advocacy](#) (2024-01-01); [Torwest DBC, Inc. v. Dick](#), 810 F.2d 925 (10th Cir. 1987)). However, these cases are distinguishable where, as here, the plaintiff alleges ongoing threats and interference with business operations, which may support a finding of open-ended continuity.

It is also important to note that [Condict v. Condict](#), 815 F.2d 579 (10th Cir. 1987) was stated as superseded by Maxwell v. Wilson, 766 P.2d 909 (N.M. 1988), and [U.S. v. Smith](#), 413 F.3d 1253 (10th Cir. 2005) was stated as overruled by United States v. Nissen, 555 F.Supp.3d 1174 (D. N.M. 2021). However, the core principles regarding the pattern requirement, continuity, and relatedness remain supported by more recent and binding authorities, including Supreme Court and Tenth Circuit precedent.

# **Conclusion**

In sum, the district court erred by focusing narrowly on the timing of the initial predicate acts and by failing to consider ongoing communications and threats as evidence of a continuing racketeering scheme. Under Supreme Court and Tenth Circuit precedent, the plaintiff's allegations plausibly support both the relatedness and continuity required for a RICO "pattern," including open-ended continuity due to ongoing threats and interference. The proper analysis requires consideration of the entire context of the alleged conduct, including ongoing threats and interference with business interests, and not just the temporal proximity of the initial acts. The authorities make clear that such ongoing conduct may support a finding of a pattern of racketeering activity under 18 U.S.C. § 1962(c).

# **Legal Authorities**

[Johnson v. Heath, 56 F.4th 851 \(10th Cir. 2022\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

### **Extract**

Continuity can be either closed or open ended. *Id.* at 241, 109 S.Ct. 2893. Closed-ended continuity is a closed period of repeated racketeering conduct, while open-ended continuity consists of racketeering conduct that threatens future repetition. *Id.* Plaintiffs can establish open-ended continuity by showing that the racketeering acts involved implicit or explicit threats of repetition, that they formed the operations of an association that exists for criminal purposes, or that they were the defendants' regular way of conducting a legitimate enterprise. *Id.* at 242–43, 109 S.Ct. 2893.

### **Summary**

The passage from "Johnson v. Heath" discusses the concept of continuity in the context of RICO claims, referencing the Supreme Court's decision in *H.J. Inc.* It explains that continuity can be either closed-ended or open-ended, which is directly relevant to the proposition. The passage supports the idea that ongoing communications and threats can be considered as evidence of open-ended continuity, which is a key element in establishing a pattern of racketeering activity under RICO. This aligns with the proposition that the district court erred by not considering the ongoing nature of the alleged racketeering activities.

[Boone v. Carlsbad Bancorporation, Inc., 972 F.2d 1545 \(10th Cir. 1992\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

## **Extract**

To satisfy the pattern requirement of RICO, plaintiffs must show two elements--'continuity plus relationship.' Sedima, 473 U.S. at 496 n. 14, 105 S.Ct. at 3285 n. 14. The relationship test 'is not a cumbersome one for a RICO plaintiff. A showing that predicate acts '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' is essentially all that is needed.' Feinstein v. RTC, 942 F.2d 34, 44 (1st Cir.1991) (quoting H.J. Inc.). But the continuity requirement is more difficult to meet: The central question is whether [defendants' activities] are 'continuous.' To establish continuity, the plaintiff must demonstrate either 'a closed period of repeated conduct' or 'past conduct that by its nature projects into the future with a threat of repetition.' ... These two forms of continuity are respectively referred to as closed-ended and open-ended continuity.

## **Summary**

The relationship test is not difficult to meet, as it involves showing that predicate acts are interrelated. However, the continuity requirement is more challenging, requiring either a closed period of repeated conduct or a threat of future repetition. This aligns with the proposition's assertion that the district court erred by not considering the potential for open-ended continuity due to ongoing threats and interference.

[Sil-Flo, Inc. v. SFHC, Inc., 917 F.2d 1507 \(10th Cir. 1990\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

### **Extract**

Since the district court's ruling on the defendants' motion for summary judgment in Sil-Flo I, the Supreme Court has further defined what conduct constitutes a pattern of racketeering activity. See H.J. Inc. v. Northwestern Bell Tel. Co., --- U.S. ----, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). In that case, the Court held that a RICO violation does not necessarily require more than one scheme, although conduct involving multiple schemes will likely be more probative. Id. at 2901; see also Phelps v. Wichita Eagle-Beacon, 886 F.2d 1262, 1273 (10th Cir.1989). Instead, the Court focused on two requirements: continuity and relationship. H.J. Inc., 109 S.Ct. at 2900. ... To establish continuity, the plaintiff must demonstrate either 'a closed period of repeated conduct' or 'past conduct that by its nature projects into the future with a threat of repetition.' H.J. Inc. v. Northwestern Bell Telephone Co., 109 S.Ct. at 2902. These two forms of continuity are respectively referred to as closed-ended and open-ended continuity. Id. The Supreme Court held that closed-ended continuity requires 'a series of related predicates extending over a substantial period of time. Predicate acts extending over a few weeks or months' are insufficient. Id. Open-ended continuity requires a clear threat of future criminal conduct related to past criminal conduct. Id.

## **Summary**

Requirements for establishing a pattern of racketeering activity under RICO, specifically focusing on the elements of continuity and relatedness as defined by the Supreme Court in *H.J. Inc. v. Northwestern Bell Tel. Co.* It explains that continuity can be either closed-ended or open-ended, which aligns with the proposition's assertion that the district court erred by not considering the potential for open-ended continuity due to ongoing threats and interference. The passage supports the proposition by reinforcing the legal standards for continuity and relatedness in RICO claims.

[U.S. v. Smith, 413 F.3d 1253 \(10th Cir. 2005\)](#)

### **U.S. Court of Appeals — Tenth Circuit**

#### **Extract**

Predicate acts must also 'amount to or pose a threat of continued criminal activity' in order to establish a pattern of racketeering activity. *H.J.*, 492 U.S. at 239, 109 S.Ct. 2893. 'Continuity' is both a closed—and open-ended concept, 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. *Id.* at 241, 109 S.Ct. 2893. Proving continuity may be done in several ways; there is no bright-line rule. *Id.* Indeed, whether this requirement is met 'depends on the specific facts of each case.' *Id.* at 242, 109 S.Ct. 2893.

## **Summary**

The passage from "U.S. v. Smith" discusses the requirement for establishing a pattern of racketeering activity under RICO, specifically focusing on the continuity aspect. It references the Supreme Court's decision in *H.J. Inc.*, which is a key authority on the pattern requirement, emphasizing that continuity can be either closed-ended or open-ended. This directly supports the proposition that the district court erred by not considering the ongoing nature of the alleged racketeering activity and the potential for open-ended continuity due to ongoing threats and interference.

[Resolution Trust Corp. v. Stone, 998 F.2d 1534 \(10th Cir. 1993\)](#)

### **U.S. Court of Appeals — Tenth Circuit**

#### **Extract**

The Supreme Court has elaborated on RICO's limited definition of the 'pattern' element. Although proof of at least two predicate racketeering acts are necessary to prove a pattern, that may not be sufficient. *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 236-37, 109 S.Ct. 2893, 2899, 106 L.Ed.2d 195 (1989) (citing *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496

n. 14, 105 S.Ct. 3275, 3285 n. 14, 87 L.Ed.2d 346 (1985)). The Supreme Court has concluded that Congress intended that the pattern element 'requires the showing of a relationship between the predicates, ... and the threat of continuing activity'--that is, 'continuity plus relationship.' ... Only the continuity prong of the pattern element is at issue in this case. 'Continuity' is both a closed- and open-ended concept: closed-ended referring to a closed period of repeated conduct and open-ended referring to conduct that by its nature projects into the future with a threat of repetition. See id. at 241, 109 S.Ct. at 2902; Phelps v. Wichita Eagle-Beacon, 886 F.2d 1262, 1273 (10th Cir.1989). A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time. H.J. Inc., 492 U.S. at 242, 109 S.Ct. at 2902; Phelps, 886 F.2d at 1273. Predicate acts extending over a few weeks or months are insufficient to show closed-ended continuity. H.J. Inc., 492 U.S. at 242, 109 S.Ct. at 2902. Open-ended continuity depends upon the facts of each case, and may be established by showing that the predicates themselves involve a distinct threat of long-term racketeering activity, either implicit or explicit, or that the predicates are a regular way of conducting the defendant's ongoing legitimate business or the RICO enterprise. Id. at 242-43, 109 S.Ct. at 2902.

## **Summary**

The passage discusses the requirements for establishing a "pattern" of racketeering activity under RICO, specifically focusing on the continuity aspect. It explains that continuity can be either closed-ended or open-ended, which aligns with the proposition's assertion that the district court erred by not considering the potential for open-ended continuity due to ongoing threats and interference. The passage supports the idea that continuity involves a threat of ongoing criminal conduct, which is relevant to the plaintiff's allegations of ongoing communications and threats.

### [Skurkey v. Daniel](#)

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

#### **Extract**

To plead a valid RICO claim, a plaintiff must plausibly allege that a defendant "(1) conducted the affairs (2) of an enterprise (3) through a pattern (4) of racketeering activity." ... A "pattern" requires at least two predicate acts. 18 U.S.C. § 1961(5). Predicate acts must be violations of certain statutes, 18 U.S.C. § 1961(1), here alleged to be federal mail fraud and wire fraud statutes. Additionally, a Plaintiff must allege facts from which the Court can conclude the existence of a pattern, that is that the "predicates themselves amount to, or that they otherwise constitute a threat of, continuing racketeering activity." H.J., Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 240 (1989) (emphasis original). The Supreme Court has explained that there are two elements to finding a pattern for

RICO purposes: "continuity plus relationship." ... Plaintiff argues the Complaint alleges facts to support both open- and closed-ended continuity.

## **Summary**

The passage outlines the requirements for pleading a RICO claim, emphasizing the need for a pattern of racketeering activity, which includes both continuity and relationship. The passage references the Supreme Court's explanation in H.J. Inc. regarding the necessity of demonstrating either closed-ended or open-ended continuity. This aligns with the proposition's assertion that the district court erred by not considering the ongoing nature of the alleged racketeering activity and threats.

[Condict v. Condict, 826 F.2d 923 \(10th Cir. 1987\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

### **Extract**

In Sedima, the Supreme Court held that a violation of 1962(c) requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activities, and that a plaintiff to state a claim under 1962(c) must allege each of these four elements. Sedima, 105 S.Ct. at 3285. ... However, to establish a RICO pattern, a plaintiff must also demonstrate continuity, that is, 'the threat of continuing activity.' Sedima, 105 S.Ct. at 3285 n. 14. This element is derived from RICO's legislative history, which indicates that RICO does not apply to 'sporadic activity' or to the 'isolated offender'. ... Courts generally agree that to make an adequate showing of continuity under Sedima, a plaintiff must demonstrate some facts from which at least a threat of ongoing illegal conduct may be inferred.

## **Summary**

The passage from "Condict v. Condict" reiterates the requirements for a RICO claim under 18 U.S.C. § 1962(c), emphasizing the need for a "pattern of racketeering activities" which includes both relatedness and continuity. The passage supports the proposition by highlighting the necessity of demonstrating continuity, which can be shown through a threat of ongoing illegal conduct. This aligns with the proposition's assertion that the district court erred by not considering the ongoing nature of the alleged racketeering activities and threats.

[Condict v. Condict, 815 F.2d 579 \(10th Cir. 1987\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

## **Extract**

In Sedima, the Supreme Court held that a violation of 1962(c) requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activities, and that a plaintiff to state a claim under 1962(c) must allege each of these four elements. Sedima, 105 S.Ct. at 3285. Our narrowing issue then is whether, under the record before us, the plaintiffs have charged the defendants, or any of them, with the conduct, or participation in the conduct, of an enterprise, i.e., Condict Ranches, through a 'pattern of racketeering activities.' In this connection, our focus is specifically directed to the phrase 'pattern of racketeering activities,' and, even more particularly, to the one word 'pattern.' We believe the present complaint is deficient in these particulars, and that any evidentiary matter before the district court strengthens that conclusion.

## **Summary**

Requirements for a RICO claim under 18 U.S.C. § 1962(c), specifically focusing on the need to allege a "pattern of racketeering activities." It references the Supreme Court's decision in Sedima, which outlines the elements necessary for such a claim. The passage highlights the importance of demonstrating both relatedness and continuity in the alleged racketeering activities, which aligns with the proposition's emphasis on the need for a pattern of related and continuous acts. The passage also notes the deficiency in the complaint for failing to adequately allege a pattern, which underscores the necessity of meeting these criteria.

[UMB Bank v. Monson, 21-CV-2504-EFM \(D. Kan. Jun 04, 2025\)](#)

## **U.S. District Court — District of Kansas**

### **Extract**

Racketeering activity is frequently described as 'predicate acts' which consist of the federal and state crimes identified in 18 U.S.C. § 1961(1). UMB presents facts supporting Defendants' involvement in several qualifying predicate acts listed under 18 U.S.C. § 1961- namely wire fraud and financial institution fraud... To state a 'pattern' of racketeering activity, the plaintiff must allege 'at least two acts of racketeering activity... which occurred within ten years.' Moreover, 'a RICO pattern requires that the racketeering predicates relate to each other and amount to a threat of continued racketeering activity. No pattern exists without this 'continuity plus relationship.'... As to the relationship requirement, predicate acts satisfy this element when they make up one common scheme... Racketeering predicates relate to each other if they '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.'... Next, the Court turns to the continuity requirement. Under this prong, a plaintiff must allege that the acts amounted to or threaten continued

racketeering activity... Either 'open-ended' or 'closed-ended' continuity can satisfy the continuity prong.

## **Summary**

The court in "UMB Bank v. Monson" addressed the elements required to establish a civil RICO claim, including the necessity of alleging a pattern of racketeering activity. The court explained that this pattern requires both relatedness and continuity, aligning with the requirements set forth in H.J. Inc. v. Nw. Bell Tel. Co. The passage supports the proposition by illustrating how relatedness and continuity can be established through predicate acts that are part of a common scheme and either threaten future repetition or span a significant period.

[Schrag v. Dingess, 788 F.Supp. 1543 \(D. Kan. 1992\)](#)

### **U.S. District Court — District of Kansas**

#### **Extract**

In H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), the Supreme Court reiterated the well-established concept that racketeering acts form a 'pattern' in RICO where they exhibit 'continuity plus relationship.' Id. at 239, 109 S.Ct. at 2900. The 'relationship' requirement is satisfied when the racketeering acts 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.' Id. at 240, 109 S.Ct. at 2901 (citing Sedima, 473 U.S. at 496 n. 14, 105 S.Ct. at 3285 n. 14). With respect to the 'continuity' requirement, the Supreme Court stated that the predicate acts must amount to, or pose a threat of, continuing racketeering activity. Id. According to the Supreme Court, continuity 'is both a closed- and open-ended concept, referring to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.' Id. A RICO plaintiff 'may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time.' Id. Predicates extending over merely a few weeks or months, on the other hand, may satisfy the continuity element if there is a threat of repetition in the future. This latter concept of continuity, which occurs over an 'open period,' is established by showing that the predicate acts are a 'regular way of conducting the enterprise's ongoing business.'

## **Summary**

Continuity can be demonstrated through either a closed period of repeated conduct or an open-ended threat of future repetition. This directly supports the proposition's argument that the district court erred by not considering the ongoing nature of the alleged racketeering activity and threats.

[Purvis v. Hamwi, 828 F.Supp. 1479 \(D. Colo. 1993\)](#)

**U.S. District Court — District of Colorado**

**Extract**

In order to make out a pattern under RICO, the predicate acts must somehow be ordered or arranged, bearing some relationship to each other, and implicate the threat of continuing activity. H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 238-239, 109 S.Ct. 2893, 2900-2901, 106 L.Ed. 2d 195 (1989). 'Continuity' is both a closed- and openended concept, referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with the threat of repetition. Id. at 241, 109 S.Ct. at 2901. But predicate acts 'extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct.' Id. at 242, 109 S.Ct. at 2902.

**Summary**

Requirements for establishing a "pattern" under RICO, emphasizing the need for relatedness and continuity among predicate acts. It highlights that continuity can be either closed-ended or open-ended, aligning with the proposition's assertion that ongoing threats and interference could demonstrate open-ended continuity. The passage also notes that short-term acts without future threats do not meet the continuity requirement, supporting the proposition's argument that the district court erred by not considering the ongoing nature of the alleged scheme.

[Phelps v. Wichita Eagle-Beacon, 886 F.2d 1262 \(10th Cir. 1989\)](#)

**U.S. Court of Appeals — Tenth Circuit**

**Extract**

The Supreme Court has recently held that a RICO violation does not require more than one scheme. H.J. Inc. v. Northwestern Bell Telephone Co., --- U.S. ----, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). The Court there reiterated its prior holding that all that is required to constitute a pattern are two elements--'continuity plus relationship.' Sedima, 473 U.S. at 496 n. 14, 105 S.Ct. at 3285 n. 14. There is no question that the acts complained of in this case are related because they are all part of an alleged common scheme. See Torwest DBC, Inc. v. Dick, 810 F.2d 925, 928 (10th Cir.1987). The central question is whether they are 'continuous.' To establish continuity, the plaintiff must demonstrate either 'a closed period of repeated conduct' or 'past conduct that by its nature projects into the future with a threat of repetition.' H.J. Inc. v. Northwestern Bell Telephone Co., 109 S.Ct. at 2902. These two forms of continuity are respectively referred to as closed-ended and open-ended continuity. Id.

## **Summary**

The passage discusses the requirements for establishing a "pattern" of racketeering activity under RICO, specifically focusing on the elements of "continuity plus relationship." It references the Supreme Court's decision in H.J. Inc. v. Northwestern Bell Telephone Co., which is directly relevant to the proposition. The passage explains the concepts of closed-ended and open-ended continuity, which are crucial for determining whether a pattern of racketeering activity exists. This aligns with the proposition's assertion that the district court erred by not considering the ongoing nature of the alleged racketeering activity.

[Gotfredson v. Larsen Lp, 432 F.Supp.2d 1163 \(D. Colo. 2006\)](#)

### **U.S. District Court — District of Colorado**

#### **Extract**

Here, Plaintiffs contend that they have established a pattern of racketeering activity consisting of the following predicate acts: (1) conspiracy to commit extortion, (2) mail and wire fraud, and (3) interstate travel in aid of extortion... In order for Plaintiffs to prove a pattern, they must demonstrate not only the existence of two or more predicate acts, but also that they are related and pose at least a threat of continued criminal activity. H.J., 492 U.S. at 238-39, 109 S.Ct. 2893. Thus, Plaintiffs must show two elements —'continuity plus relationship.'... Continuity is both a closed and open-ended concept, 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... Open-ended continuity 'may be established by showing that the predicates themselves involve a distinct threat of long-term racketeering activity, either implicit or explicit, or that the predicates are a regular way of conducting the defendant's ongoing legitimate business or the RICO enterprise.'

## **Summary**

Requirements for establishing a pattern of racketeering activity under RICO, specifically the need for continuity and relationship among predicate acts. It references the H.J. Inc. case, which is a key authority on the pattern requirement, and explains both closed-ended and open-ended continuity. This directly supports the proposition by highlighting the need for relatedness and continuity in RICO claims, and it aligns with the argument that the district court erred by not considering the ongoing nature of the alleged racketeering activity.

[Sensoria, LLC v. Kaweske, 581 F.Supp.3d 1243 \(D. Colo. 2022\)](#)

### **U.S. District Court — District of Colorado**

## **Extract**

Plaintiffs proceed on the 'closed-ended' concept of continuity which consists of a closed period of repeated past conduct that extended over a substantial length of time. Id. Regarding their Twentieth Cause of Action, Plaintiffs assert 'a closed-ended pattern of racketeering activity that consisted of at least fifteen distinct acts over a two-year period.' ECF 221 at 43. They identify those fifteen distinct acts by citing ¶¶ 279-304 of the TAC, which are the paragraph numbers for the Twentieth Cause of Action. The scheme subject of this RICO count is defrauding Clover Top Holdings, Inc.'s investors of their financial investment. In support of their Twenty-First Cause of Action, Plaintiffs allege 'a closed-ended pattern of racketeering activity that consisted of at least eleven distinct acts extending over more than a three-year period.' Id. at 44.

## **Summary**

Concept of "closed-ended" continuity in RICO claims, which involves a series of related acts over a substantial period. It highlights that plaintiffs in the case alleged multiple predicate acts over a two-year period, which supports the notion of a pattern of racketeering activity. This aligns with the proposition's requirement for continuity in RICO claims, either closed-ended or open-ended. The passage also emphasizes the need for multiple predicate acts over a significant period, which is relevant to the proposition's focus on ongoing communications and threats as evidence of racketeering activity.

[Suddath v. Oklahoma Homebuilders, LLC, CIV-24-745-SLP \(W.D. Okla. Nov 08, 2024\)](#)

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

### **Extract**

"A 'pattern' requires at least two predicate acts." Bixler v. Foster, 596 F.3d 751, 761 (10th Cir. 2010) (citing 18 U.S.C. § 1961(5)). And those predicate acts themselves must amount to or otherwise constitute a threat of continuing racketeering activity. Id. This continuity requirement expresses congressional intent that "RICO reach activities that amount to or threaten long-term criminal activity." Id. (citing H.J., Inc. v. Northwestern Bell Tele. Co., 492 U.S. 229, 243 n. 4 (1989)). "'Continuity' is both a closed-and open-ended concept: closed-ended referring to a closed period of repeated conduct and open-ended referring to conduct that by its nature projects into the future with a threat of repetition." Resol. Tr. Corp. v. Stone, 998 F.2d 1534, 1543 (10th Cir. 1993). "A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time." Id. A closed-ended series of predicate acts is not sufficient to support a finding of a pattern of racketeering activity, however, where those acts "constitute[ ] a single scheme to accomplish 'one discrete goal,' directed at one individual with no potential to extend to other persons or entities."

## **Summary**

The passage from the Suddath case provides a detailed explanation of the requirements for establishing a "pattern" of racketeering activity under RICO, specifically addressing the concepts of relatedness and continuity. It emphasizes the need for predicate acts to either amount to or threaten long-term criminal activity, aligning with the proposition's requirement for demonstrating a pattern through relatedness and continuity. The passage also distinguishes between closed-ended and open-ended continuity, which is directly relevant to the proposition's argument that the district court erred by not considering the potential for open-ended continuity.

[Nation v. Shah, 4:19-cv-00588-JDR-JFJ \(N.D. Okla. Oct 30, 2024\)](#)

## **U.S. District Court — Northern District of Oklahoma**

### **Extract**

More difficult to establish—and more problematic for Plaintiffs—is the requirement that the predicate acts have sufficient “continuity” to constitute a RICO “pattern.” See Bixler v. Foster, 596 F.3d 751, 761 (10th Cir. 2010) (indicating that the continuity requirement “is more difficult to meet” (citation and quotation marks omitted)). For RICO purposes, continuity comes in one of two forms: Closed-ended continuity can be established by alleging a “closed period of repeated racketeering conduct.” Johnson, 56 F.4th at 859-60 (citing H.J. Inc., 492 U.S. at 241-43). Open-ended continuity can be established by racketeering acts that “involved implicit or explicit threats of repetition,” “formed the operations of an association that exists for criminal purposes,” or were part of the defendants’ “regular way of conducting a legitimate enterprise.” Id. (citing?/. J. Inc., 492 U.S. at 241-43). A plaintiff who cannot establish one of these two forms of continuity cannot state a viable claim under RICO. E.g., Bixler, 596 F.3d at 761 (affirming dismissal where the complaint failed to allege either the closed-ended or open-ended continuity of predicate acts required to form a RICO pattern).

## **Summary**

Requirement of continuity in establishing a RICO pattern, which is a critical element of the proposition. It explains the two forms of continuity—closed-ended and open-ended—and references relevant case law, including Johnson and H.J. Inc., which are also cited in the proposition. This aligns with the proposition's assertion that the district court erred by not considering the potential for open-ended continuity due to ongoing threats and interference.

[Janis v. Story & Associates, 124 F.3d 216 \(10th Cir. 1993\)](#)

## **U.S. Court of Appeals — Tenth Circuit**

## **Extract**

In their amended complaint, plaintiffs asserted RICO claims based on alleged violations of 18 U.S.C. § 1962(c) and (d). In order to establish a civil RICO violation under 18 U.S.C. § 1962(c), plaintiffs must plead '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'  
*Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985) (footnote omitted). 'Conducting an enterprise that affects interstate commerce is obviously not in itself a violation of § 1962, nor is mere commission of the predicate offenses.' Id. 'RICO's legislative history reveals Congress' intent that 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.' *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 239 (1989); see also *Boone v. Carlsbad Bancorporation, Inc.*, 972 F.2d 1545, 1555 (10th Cir.1992) (holding that in order to satisfy the pattern requirement of RICO, plaintiffs must establish 'continuity plus relationship ') (quoting *Sedima*, 473 U.S. at 496 n. 14) (further quotation omitted) (alteration in original). The relationship test can be met by establishing that the predicate acts '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.' *H.J. Inc.*, 492 U.S. at 240 (quoting 18 U.S.C. § 3575(e)(3)). In order to show continuity, 'the plaintiff must demonstrate either 'a closed period of repeated conduct' or 'past conduct that by its nature projects into the future with a threat of repetition.' *Boone*, 972 F.2d at 1555 (quoting *Phelps v. Wichita-Eagle Beacon*, 886 F.2d 1262, 1273 (10th Cir.1989) (further quotation omitted)).

## **Summary**

Requirements for establishing a civil RICO violation under 18 U.S.C. § 1962(c), emphasizing the need to demonstrate a pattern of racketeering activity that includes both relatedness and continuity. It references key cases such as *H.J. Inc. v. Northwestern Bell Tel. Co.* and *Boone v. Carlsbad Bancorporation, Inc.*, which are relevant to the proposition. The passage supports the idea that the district court erred by not considering the ongoing nature of the alleged racketeering activity and the potential for open-ended continuity.

### [Joseph v. U.S. Pub. Defenders Office](#)

## **U.S. District Court — District of New Mexico**

## **Extract**

RICO was enacted to address "racketeering activity." The statute defines "racketeering activity" to encompass specified state and federal offenses, which are referred to as predicate acts. These predicate acts include any act indictable under enumerated federal statutes, 18 U.S.C. §§ 1961(1)(B)-(C), (E)-(G), specified crimes chargeable under state law, § 1961(1)(A), and any

offense involving bankruptcy or securities fraud or drug-related activity that is punishable under federal law, § 1961(1)(D). Predicate acts can give rise to a RICO claim when they are part of a "pattern of racketeering activity," which is defined as a series of related predicates that together demonstrate the existence or threat of continued criminal activity. *H.J. Inc. v. N.W. Bell Tel. Co.*, 492 U.S. 229, 239 (1989).

## **Summary**

The passage explains that RICO addresses "racketeering activity" and defines it to include specified state and federal offenses as predicate acts. It further clarifies that these predicate acts can form a RICO claim when they are part of a "pattern of racketeering activity," which involves related predicates that demonstrate continued criminal activity. This directly supports the proposition by explaining the legal framework for establishing a RICO claim, including the need for a pattern of related predicate acts, as discussed in *H.J. Inc. v. N.W. Bell Tel. Co.*

[100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)

## **U.S. District Court — District of Utah**

### **Extract**

The RICO statute defines a 'pattern of racketeering activity' as at least two acts of racketeering activity within a ten-year period. The Supreme Court has clarified that two predicate acts are necessary but not sufficient to show a pattern. A pattern also requires 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' Continuity requires that the predicate acts extend over a "substantial period of time" and that "the predicates themselves involve a distinct threat of long-term racketeering activity. .. [or] are a regular way of conducting the defendant's ongoing legitimate business or the RICO enterprise.' The court examines 'both the duration of the related predicate acts and the extensiveness of the RICO enterprise's scheme.' ... Here, the alleged predicate acts are interrelated pieces of a sophisticated scheme to defraud. The activity is also continuous. There were allegedly dozens of predicate acts occurring throughout Plaintiffs' now two-year relationship with the Defendants and they are allegedly ongoing, as Axos continues to refuse to commence the lease unless Plaintiffs essentially give up their right to a functioning system and give in to allegedly extortionate demands such as releasing Axos from liability and affirming an untruth (that the project is free of liens). Plaintiffs also plausibly allege that other customers are at risk of falling victim to the same racket, alleging that it received information that the Defendants had done similar deals in the past, and the structure of the alleged scheme is obviously exportable to other victims. By pleading nearly two years of prior racketeering activity and a clear threat of future racketeering activity, Plaintiffs satisfactorily plead continuity.

## **Summary**

Requirements for establishing a "pattern of racketeering activity" under the RICO statute, emphasizing the need for relatedness and continuity. It provides an example where the court found that the alleged predicate acts were interrelated and continuous, supporting the notion of a sophisticated scheme to defraud. This aligns with the proposition's requirement to demonstrate a pattern of racketeering activity through related acts over a substantial period and a threat of continued criminal conduct.

[Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#)

### **U.S. Court of Appeals — Tenth Circuit**

#### **Extract**

18 U.S.C. Sec. 1962(c). A violation of section 1962(c) thus 'requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985). RICO defines racketeering activity as, *inter alia*, any act that is indictable under 18 U.S.C. Sec. 1341 (mail fraud) or 18 U.S.C. Sec. 1343 (wire fraud). See 18 U.S.C. Sec. 1961(1)(B). RICO also states that a 'pattern of racketeering activity' requires at least two acts of racketeering activity. ... 'As the Senate Report explained: 'The target of [RICO] is thus not sporadic activity. The infiltration of legitimate business normally requires more than one "racketeering activity" and the threat of continuing activity to be effective. It is this factor of continuity plus relationship which combines to produce a pattern.' S.Rep. No. 91-617, p. 158 (1969) (emphasis added). Similarly, the sponsor of the Senate bill, after quoting this portion of the Report, pointed out to his colleagues that '[t]he term "pattern" itself requires the showing of a relationship.... So, therefore, proof of two acts of racketeering activity, without more, does not establish a pattern....' 116 Cong.Rec. 18940 (1970) (statement of Sen. McClellan). See also *id.*, at 35193 (statement of Rep. Poff) (RICO 'not aimed at the isolated offender'); House Hear Id. Sedima thus makes clear that a RICO violation requires continuous and related racketeering acts.

## **Summary**

The passage outlines the requirements for a RICO violation under 18 U.S.C. § 1962(c), emphasizing the necessity of demonstrating both continuity and relatedness in the pattern of racketeering activity. The passage supports the proposition by explaining that a pattern requires more than sporadic activity and must show a threat of continuing activity, aligning with the proposition's assertion that the district court erred by not considering ongoing threats and interference as part of a continuous pattern.

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

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

### Extract

The Tenth Circuit has devised a more demanding standard for showing a pattern. Where the directors of a corporation were involved in self-dealing by secretly purchasing real estate and fraudulently reselling it to the company, the Tenth Circuit ruled that no pattern existed even though the frauds had occurred over a 10-year period. *Torwest DBC, Inc. v. Dick* thus rejected the Fifth Circuit's reasoning in *R.A.G.S.* and refused to find a pattern where 'the single scheme at issue involved one victim.' The court explained: 'A scheme to achieve a single discrete objective does not in and of itself create a threat of ongoing activity, even when that goal is pursued by multiple illegal acts, because the scheme ends when the purpose is accomplished.'

### Summary

Tenth Circuit's approach to determining a "pattern" under civil RICO, emphasizing the need for a threat of ongoing activity beyond a single scheme with one victim. This aligns with the proposition's argument that the district court erred by not considering ongoing threats and interference as evidence of open-ended continuity. The passage supports the idea that a pattern requires more than isolated acts and should consider the potential for future criminal conduct.

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

### Extract

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. § 1831 (economic espionage); 18 U.S.C. § 1832 (theft of trade secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. ... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. What is A RICO 'Pattern'? A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible

concept of a pattern in mind. The Supreme Court has stated that: A 'pattern' is an 'arrangement or order of things or activity'. . . . It is not the number of predicates but the relationship that they bear to each other or to some external organizing principle that renders them 'ordered' or arranged. The Court has further explained that '[C]riminal 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 racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission. The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: \* Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' \* Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

## **Summary**

Detailed explanation of what constitutes racketeering activities, including wire fraud and Travel Act violations, which are relevant to the plaintiff's allegations. It also explains the concept of a RICO enterprise and the broad interpretation of what constitutes an enterprise. The passage further elaborates on the "pattern" requirement, emphasizing the need for continuity and relatedness, which aligns with the proposition's focus on related predicate acts and continuity through ongoing threats and communications. The explanation of closed-ended and open-ended continuity directly supports the argument that the district court erred by not considering the ongoing nature of the alleged racketeering activity.

## [RICO: A Primer](#)

## **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade

secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts. ... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. What is A RICO 'Pattern'? A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible concept of a pattern in mind. The Supreme Court has stated that: A 'pattern' is an 'arrangement or order of things or activity'. . . . It is not the number of predicates but the relationship that they bear to each other or to some external organizing principle that renders them 'ordered' or arranged. The Court has further explained that '[C]riminal 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 racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise, including, for example, that: the racketeering acts furthered the goals of or benefitted the enterprise, the enterprise or the defendant's role in the enterprise enabled the defendant to commit, or facilitated the commission of, the racketeering acts, the racketeering acts were committed at the behest of, or on behalf of, the enterprise, or the racketeering acts had the same or similar purposes, results, participants, victims or methods of commission. The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO 'enterprise.' A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: \* Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' \* Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

## Summary

Detailed explanation of what constitutes racketeering activities, including wire fraud and Travel Act violations, which are relevant to the plaintiff's allegations. It also explains the concept of a RICO enterprise and the broad interpretation of what constitutes an enterprise. Importantly, it discusses the "pattern" requirement, emphasizing the need for continuity and relatedness, which aligns with the proposition's focus on related predicate acts and the potential for open-ended continuity due to ongoing threats and interference.

The passage supports the argument that the district court erred by not considering the broader context of the alleged scheme.

This memo was compiled by Vincent AI based on vLex materials available as of September 05, 2025. [View full answer on vLex](#)