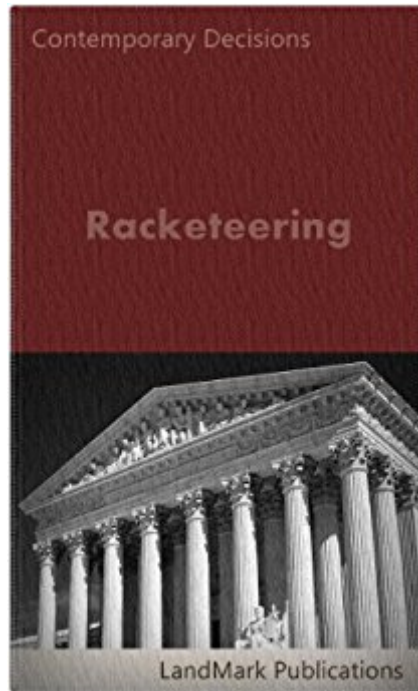




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Racketeering (Criminal Law Series)



Synopsis

THIS CASEBOOK contains a selection of 175 U. S. Court of Appeals decisions that analyze and interpret the provisions of the the RICO statute—the Racketeer Influenced and Corrupt Organizations Act. The selection of decisions spans from 2005 to the date of publication. To establish a civil RICO claim, a plaintiff must allege "(1) conduct, (2) of an enterprise, (3) through a pattern (4) of racketeering activity," as well as "injury to business or property as a result of the RICO violation." *Anatian v. Coutts Bank (Switz.) Ltd.*, 193 F.3d 85, 88 (2d Cir.1999) (internal quotation marks omitted). The pattern of racketeering activity must consist of two or more predicate acts of racketeering. 18 U.S.C. § 1961(5). *Lundy v. Catholic Health System of Long Island*, 711 F. 3d 106 (2nd Cir. 2013) To prove [] racketeering in violation of 18 U.S.C. § 1962(c), the Government "must prove (1) the existence of an enterprise that affects interstate or foreign commerce, (2) that the defendant was employed by or associated with the enterprise, (3) that the defendant participated in the conduct of the enterprise's affairs, and (4) that the participation was through a pattern of racketeering activity." *United States v. Posada-Rios*, 158 F.3d 832, 855 (5th Cir.1998) (internal quotation marks omitted). "'Pattern of racketeering activity' is a defined term and requires at least two acts of 'racketeering activity,' the so-called predicate acts. . . ." *Salinas v. United States*, 522 U.S. 52, 62, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997) (quoting 18 U.S.C. 1961(5)). *US v. Nieto*, 721 F. 3d 357 (5th Cir. 2013) "To prove a violation of the mail fraud statute, plaintiffs must establish the existence of a fraudulent scheme and a mailing in furtherance of the scheme." *McLaughlin v. Anderson*, 962 F.2d 187, 190-91 (2d Cir.1992). On a motion to dismiss a RICO claim, Plaintiffs' allegations must also satisfy the requirement that, "[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake." Fed.R.Civ.P. 9(b); see *McLaughlin*, 962 F.2d at 191. So Plaintiffs must plead the alleged mail fraud with particularity, and establish that the mailings were in furtherance of a fraudulent scheme. *Id.* *Lundy v. Catholic Health System of Long Island*, *supra*.

Book Information

File Size: 10683 KB

Simultaneous Device Usage: Unlimited

Publisher: LandMark Publications (October 31, 2013)

Publication Date: October 31, 2013

Sold by: Digital Services LLC

Language: English

ASIN: B00GDQQO2S

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Screen Reader: Supported

Enhanced Typesetting: Enabled

Best Sellers Rank: #539,408 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #39

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