

## STANDING ORDER IN CIVIL RICO CASES

(Amended March 19, 2018)

In all civil actions where the pleading contains a cause of action pursuant to 18 U.S.C. §§ 1961–1968 (“RICO”) the party asserting the RICO claim shall file a RICO Case Statement within twenty (20) days of filing the first pleading asserting the RICO claim. Consistent with counsel’s obligations under Fed.R.Civ.P. 11 to make a “reasonable inquiry” prior to the filing of the complaint, the RICO Case Statement shall state in detail the following information:

1. The alleged unlawful conduct that is claimed to be in violation of 18 U.S.C. §§ 1962(a), (b), (c) and/or (d).
2. The identity of each defendant and the alleged misconduct and basis of liability of each defendant.
3. The identity of the alleged wrongdoers, other than the defendants listed in response to paragraph 2, and the alleged misconduct of each wrongdoer.
4. The identity of the alleged victims and the manner in which each victim was allegedly injured.
5. A description of the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim, which shall include the following information:
  - a. The alleged predicate acts and the specific statutes which were allegedly violated;
  - b. The dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;
  - c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the “circumstances constituting fraud or mistake shall be stated with particularity.” Fed.R.Civ.P. 9(b). The time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made shall be identified;

- d. Whether there has been a criminal conviction for violation of the predicate acts;
  - e. Whether civil litigation has resulted in a judgment in regard to the predicate acts;
  - f. The manner in which the predicate acts form a “pattern of racketeering activity”;  
and
  - g. Whether the alleged predicate acts relate to each other as part of a common plan,  
and if so, a detailed description of the common plan.
6. A detailed description of the alleged enterprise for each RICO claim, which shall include:
- a. The names of the individuals, partnerships, corporations, associations, or  
other legal entities, which allegedly constitute the enterprise;
  - b. The structure, purpose, function and course of conduct of the enterprise;
  - c. Whether any defendants are employees, officers or directors of the alleged  
enterprise;
  - d. Whether any defendants are associated with the alleged enterprise;
  - e. Whether plaintiff contends that the defendants are individuals or entities  
separate from the alleged enterprise, or that the defendants are the enterprise  
itself, or members of the enterprise; and
  - f. If any defendants are alleged to be the enterprise itself, or members of the  
enterprise, an explanation as to whether such defendants are perpetrators,  
passive instruments, or victims of the alleged racketeering activity.
7. Whether plaintiff contends that the pattern of racketeering activity and the enterprise are  
separate or have merged into one entity.
8. The alleged relationship between the activities of the enterprise and the pattern of  
racketeering activity, including a description of the manner in which the racketeering activity  
differs, if at all, from the usual and daily activities of the enterprise.
9. The benefits, if any, the alleged enterprise receives or has received from the alleged  
pattern of racketeering.

10. The effect of the activities of the enterprise on interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

- a. The identity of the individual(s) who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and
- b. The use or investment of such income.

12. If the complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. § 1962(b), provide the following information:

- a. The individuals who are employed by or associated with the enterprise; and
- b. Whether the same entity is both the liable “person” and the “enterprise” under § 1962(c).

14. If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe in detail the alleged conspiracy.

15. The alleged injury to business or property.

16. The direct causal relationship between the alleged injury and the violation of the RICO statute.

17. The damages sustained for which each defendant is allegedly liable.

18. A description of other federal causes of action alleged in the complaint, if any, and citation to the relevant statutes.

19. A description of all pendent state claims alleged in the complaint, if any.

20. Any additional information plaintiff feels would be helpful to the Court in processing the RICO claim.