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One Year After *Horn*: How Lower Courts Are Applying RICO's Expanded Damages

SPEAKERS

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In this episode, host Cal Stein revisits the U.S. Supreme Court's decision in *Medical Marijuana, Inc. v. Horn* nearly one year later and examines how lower federal courts are applying it. He briefly recaps *Horn*'s narrow holding that certain economic harms flowing from personal injuries can satisfy RICO's "business or property" requirement, then walks through early district court decisions. Cal explains how courts are resisting efforts to turn RICO into a personal-injury regime, pulling back from reliance on antitrust/Clayton Act precedent, and often avoiding broad new rulings on what counts as a RICO "injury" by resolving cases on causation grounds instead. He closes with practical guidance for defense counsel on framing motions to dismiss in this evolving landscape.

Key topics include:

- 1:57 – Recap of *Medical Marijuana, Inc. v. Horn*.
- 5:57 – Lesson #1: The personal injury civil RICO "floodgates" have not opened . . . yet.
- 10:49 – Lesson #2: The door to using antitrust precedent in RICO cases may be closing.
- 16:32 – Lesson #3: Courts remain hesitant to grapple with the definition of "injury."

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