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RICO's Person/Enterprise Distinction

RICO Report Podcast

SPEAKERS

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Join Troutman Pepper Locke White Collar and Litigation Partner [Cal Stein](#) for a special podcast series, discussing the legal landscape surrounding the Racketeer Influenced and Corrupt Organizations Act (RICO).

In this installment, Cal discusses the critical issue of the person/enterprise distinction that frequently arises in RICO litigation. RICO requires every plaintiff bringing a claim under Section 1962(c) to identify both a RICO person and RICO enterprise that are distinct from each other. Cal explores the specific contours of this distinction, how it has been shaped by opinions issued by the U.S. Supreme Court and multiple circuit courts, and how it is frequently litigated, including at the motion to dismiss stage.

Specific topics include:

- What is the RICO person/enterprise distinction? (1:47);
- The *Cedric Kushner* case: when a RICO person and a RICO enterprise are distinct (8:18);
- Rejected RICO enterprises: corporations plus owners/employees/subsidiaries (16:02);
- Litigating the person/enterprise distinction at the motion to dismiss stage (23:18).

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