

Press Coverage | April 11, 2025

# SCOTUS Ruling Seen as Boon to Civil RICO Plaintiffs

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Cal Stein, a partner in Troutman Pepper Locke's White Collar Litigation + Investigations Practice Group, was quoted in the April 11, 2025 *Massachusetts Lawyers Weekly* article, "[SCOTUS Ruling Seen as Boon to Civil RICO Plaintiffs](#)."

Prior to the Horn decision, plaintiffs' attorneys had already been diligent in coming up with "creative" arguments to pursue recovery of treble damages and attorneys' fees under civil RICO, according to Boston lawyer Callan G. Stein, who defends businesses and individuals in civil and criminal RICO actions.

According to Stein, those efforts by the plaintiffs' bar are almost certain to increase in the wake of Horn.

"Treble damages and attorneys' fees are almost like a "white whale" for plaintiffs and plaintiffs' counsel, Stein said. "It's why you have seen over the last 50 years the civil RICO statute expanded by the plaintiffs' bar and federal courts that have allowed it, and why you now see civil RICO being jammed into all manner of cases, even beyond those cases it was originally intended to capture. Plaintiffs want to seek those attorneys' fees and treble damages and perhaps use that as leverage to extract a greater settlement."

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According to Stein, the holding in Horn can be interpreted as somewhat limited.

"When you think about this decision, all it really does is say it's theoretically possible that certain financial harm that derives from a personal injury can satisfy the civil RICO standing requirement," he said. "The alternative to that is the Supreme Court saying never can that happen. They declined to do that."

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Stein said the holding in Horn represents "classic" Supreme Court decision-making and analysis.

"The alternative to this ruling was bright-line prohibition, which in my view the Supreme Court typically doesn't like," Stein said. "They are far more likely to do what they did here: letting the lower and circuit courts ... figure out the precise guardrails and contours of this category of cases."

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Stein read Barrett's comments on the strict requirements of a RICO claim as the justice "leaving a few

breadcrumbs” for the defense bar in terms of pointing the way toward combatting the “anticipated explosion” of personal injury RICO cases as well as how courts should ultimately view them.

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