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Second Circuit Decision Potentially Broadens RICO Proximate Cause Element

RICO Report Podcast

SPEAKERS

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The Second Circuit Court of Appeals recently issued an opinion in *Alix v. McKinsey & Co.* that may fundamentally broaden the proximate cause element of claims brought under the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO's proximate cause element requires a plaintiff to allege facts plausibly establishing a "direct relationship" between the claimed injury and the defendant's conduct in violation of RICO. By expanding its interpretation of this element, the Second Circuit may have made it easier for future plaintiffs to bring and plead civil RICO claims, particularly against their business competitors.

Join Troutman Pepper Partners [Cal Stein](#) and Stephen Rinehart for this installment of the *RICO Report* as they discuss the case (1:18); RICO claims (4:02); McKinsey's successful motion to dismiss the RICO claims at the district court level (5:37); the Second Circuit's appellate decision, including its analysis of intervening events (8:25); Alix's market share causation argument (10:39); and key lessons practitioners can take away from the decision and possibly apply to future RICO cases (18:24).

Join Cal for the next episode of the [RICO Report](#) to discuss RICO conduct.

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