

Podcasts | April 7, 2025

# The Impact of the *Horn* Case on RICO

## RICO Report Podcast

### SPEAKERS

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In this installment, Cal discusses the recent U.S. Supreme Court case *Medical Marijuana Inc. v. Horn* that settled the longstanding Circuit Court split over whether personal injuries are ever compensable under the RICO statute. In its ruling, the Supreme Court broadened the scope of RICO by ruling RICO plaintiffs *may*, in some circumstances, recover damages that are derived from personal injuries. Cal explores the Supreme Court's reasoning in reaching this conclusion, the possible consequences of it (including a likely substantial increase in the number of RICO cases), and some strategies for how the *defense* bar may be able to use the Supreme Court's decision (which appears to be very plaintiff-friendly) to ward off what will almost certainly be a spate of personal injury-based RICO cases.

Specific topics include:

- 1:49 – Facts and procedural history: *Medical Marijuana Inc. v. Horn*;
- 8:44 – Personal injuries *can* satisfy RICO's civil standing requirement of injury to one's "business or property";
- 16:00 – Opening the floodgates: are we going to see an explosion of "personal injury RICO" cases?;
- 19:08 – Silver lining for the defense bar: SCOTUS broadens RICO damages but emphasizes the directness requirement;
- 23:20 – SCOTUS declines to specify what damages can "derive" from personal injuries.

*Our Cannabis Practice provides advice on issues related to applicable federal and state law. Marijuana remains an illegal controlled substance under federal law.*

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