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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YVETTE PINSON, individuals,)	Case No. CV 12-02028 DDP (MANx)
on behalf of themselves and)	
all others similarly)	ORDER TO SHOW CAUSE RE: RICO
situated,)	CLAIMS
)	
Plaintiff,)	
)	
v.)	
)	
AMERICA'S WHOLESALE LENDER,)	
as the Original Lender; CTC)	
REAL ESTATE SERVICE, as the)	
Original Trustee; et al.)	
)	
Defendants.)	
_____)	

In this action, Plaintiff's only federal claims are for violations of the Racketeer Influenced and Corrupt Organizations provisions of the Organized Crime Control Act of 1970, 18 U.S.C. § 1961, et seq. ("RICO"). The Court hereby orders Plaintiff to file a "RICO Case Statement" on or before Friday, June 29, 2012. Failure to respond to this Order will result in the dismissal with prejudice of all RICO claims for relief.

The RICO Case Statement shall include the facts that Plaintiff relies on to support her RICO claims for relief. It shall use the

1 numbers and letters set forth below, and for each claim for relief
2 state in detail and with specificity the following information:

3 1. RICO Provision. State whether the alleged unlawful conduct is
4 in violation of 18 U.S.C. §§ 1962(a), (b), (c), and/or (d).

5 2. Defendants. List each RICO defendant and state the alleged
6 misconduct and basis of liability of each defendant.

7 3. Other RICO Violators. List all alleged RICO violators, other
8 than the defendants listed above, and state the alleged
9 misconduct of each wrongdoer.

10 4. Victims. List the alleged victims and state how each victim
11 was allegedly injured.

12 5. Pattern of Racketeering Activity. Describe in detail the
13 pattern of racketeering activity or collection of unlawful
14 debts alleged for each RICO claim. A description of the
15 pattern of racketeering shall include the following
16 information:

17 a. List the alleged predicate acts and the specific statutes
18 which were allegedly violated;

19 b. Provide the dates of the predicate acts, the participants
20 in the predicate acts, and a description of the facts
21 surrounding the predicate acts;

22 c. If the RICO claim is based on the predicate offenses of
23 mail fraud, wire fraud or fraud in the sale of
24 securities, the "circumstances constituting fraud or
25 mistake shall be stated with particularity." Fed. R.
26 Civ. P. 9(b) (Identify the time, place and contents of
27 the alleged failures to disclose and/or
28 misrepresentations, and the identity of persons to whom

- 1 and by whom the alleged misrepresentations and/or
2 failures to disclose were made);
- 3 d. State whether there has been a criminal conviction for
4 violation of the predicate acts and if so, provide
5 particulars;
- 6 e. State whether civil litigation has resulted in a judgment
7 with respect to the predicate acts and if so, provide
8 particulars; and
- 9 f. Describe how the predicate acts are both "related" and
10 "continuous" within the meaning of H.J. Inc. v.
11 Northwestern Bell Telephone Co., 492 U.S. 229, 239
12 (1989), and its progeny, including Allwaste, Inc. v.
13 Hecht, 65 F.3d 1523, 1527 (9th Cir. 1995).
- 14 6. Enterprise. Describe in detail the alleged enterprise and
15 specify what structure it had. A description of the
16 enterprise shall include the following information:
- 17 a. The names of the individuals, partnerships, corporations,
18 associations or other legal entities that allegedly
19 constitute the enterprise;
- 20 b. Whether any named defendants are or were employees,
21 officers or directors of the alleged enterprise;
- 22 c. Whether you are alleging that the defendants are or were
23 separate from the alleged enterprise, collectively
24 constitute the enterprise itself, or are or were members
25 of the enterprise; and
- 26 d. Whether (and if so how) the enterprise was affected by or
27 benefitted from the pattern of racketeering activity.
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- 1 7. Interstate or Foreign Commerce. Describe the effect of the
2 activities of the enterprise on interstate or foreign
3 commerce.
- 4 8. Section 1962(a). If the complaint alleges a violation of 18
5 U.S.C. § 1962(a), provide the following information:
6 a. State who received the income derived from the pattern of
7 racketeering activity or through the collection of an
8 unlawful debt; and
9 b. Describe the use or investment of such income.
- 10 9. Section 1962(b). If the complaint alleges a violation of 18
11 U.S.C. § 1962(b), provide the following information:
12 a. Describe in detail the acquisition or maintenance of any
13 interest in or control of the alleged enterprise; and
14 b. State whether the same entity is both the liable "person"
15 and the "enterprise" under § 1962(b).
- 16 10. Section 1962(c). If the complaint alleges a violation of 18
17 U.S.C. § 1962(c), provide the following information:
18 a. State who is employed by or associated with the
19 enterprise; and
20 b. State whether the same entity is both the liable "person"
21 and the "enterprise" under § 1962(c).
- 22 11. Section 1962(d). If the complaint alleges a violation of 18
23 U.S.C. § 1962(d), describe in detail the alleged conspiracy.
- 24 12. Injury to Business or Property.
25 a. Describe the alleged injury to business or property; and
26 b. Describe the direct causal relationship between the
27 alleged injury and the violation of the RICO statute.
- 28

1 13. Damages. List the damages sustained for which each defendant
2 is allegedly liable.

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4 IT IS SO ORDERED.

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7 Dated: June 21, 2012



DEAN D. PREGERSON
United States District Judge

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