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4 Tips For Defending Against Tribal RICO Claims

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In the last decade, tribal entities and officials have increasingly become the subjects of civil suits alleging violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 et seq. When originally proposed, RICO was described as “an act designed to prevent ‘known mobsters’ from infiltrating legitimate businesses.”[1] “RICO was intended to combat organized crime, not to provide a federal cause of action and treble damages to every tort plaintiff.”[2] Despite its original intent, however, RICO is now too often used to transform an otherwise garden-variety tort claim into a frivolous headline-grabbing lawsuit, presumably with the hope that it will scare the defendants into a hasty settlement agreement.

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