

CORE TERMS: customer's, membership, enrollment, e-merchant, deceptive, mail, billing, scheme to defraud, conspiracy, refund, credit card, fraudulent, misrepresentation, datapass, summary judgment, racketeering, wire, material misrepresentation, electronic communications, unjust enrichment, wire fraud, post-transaction, interception, mitigation, marketing, advertisement's, disclosures, misleading, consented, enrolled

LexisNexis(R) Headnotes

***Communications Law > Privacy > Electronic Communications Privacy Act
Computer & Internet Law > Privacy & Security > Electronic Communications Privacy Act***

Civil Procedure > Appeals > Standards of Review > De Novo Review

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review

Civil Procedure > Summary Judgment > Standards > Appropriateness

[HN1] The appellate court reviews de novo the grant of summary judgment on an Electronic Communications Privacy Act, 18 U.S.C.S. § 2511, claim. Summary judgment is appropriate where there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

Computer & Internet Law > Privacy & Security > Electronic Communications Privacy Act

Communications Law > Privacy > Electronic Communications Privacy Act

[HN2] The Electronic Communications Privacy Act, 18 U.S.C.S. § 2511, regulates the interception of an electronic communication. § 2511. Section 2511(1)(a) states that, except as otherwise provided, anyone who intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any electronic communication violates the statute. § 2511(1)(a). There is a safe harbor for interceptions made with prior consent. § 2511(2)(d).

Antitrust & Trade Law > Consumer Protection > Deceptive Acts & Practices

[HN3] To show that customers may have been misled, the plaintiff must produce evidence that particular statements are deceptive when considered in context.

Civil Procedure > Appeals > Standards of Review > De Novo Review

Antitrust & Trade Law > Private Actions > Racketeer Influenced & Corrupt Organizations > Claims

[HN4] The appellate court reviews the district court's dismissal of RICO and RICO conspiracy claims de novo, accepting all factual allegations in the complaint as true and drawing all reasonable inferences in favor of the plaintiffs.

Antitrust & Trade Law > Private Actions > Racketeer Influenced & Corrupt Organizations > Claims

[HN5] To sustain a RICO claim under 18 U.S.C.S. § 1962(c), a plaintiff must show (1) that the defendant (2) through the commission of two or more acts (3) constituting a pattern (4) of racketeering activity (5) directly or indirectly invests in, or maintains and interest in, or participates in (6) an enterprise (7) the activities of which affect interstate or foreign

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