

03-1559 BANK OF CHINA, NEW YORK BRANCH V. NBM L.L.C., ET AL.

DECISION BELOW: 359 F.3d 171 (2nd Cir. 2004)

QUESTIONS PRESENTED

1. ~~Did the Court of Appeals for the Second Circuit err when it held, contrary to its own previous holding and the holdings of the First, Third, Seventh and Ninth Circuits, that civil RICO plaintiffs alleging mail and wire fraud as predicate acts must establish "reasonable reliance" under 18 U.S.C. § 1964(c)?~~

2. ~~Did the Court of Appeals for the Second Circuit err when it held, for the first time ever by any court, that civil RICO plaintiffs alleging bank fraud as predicate acts must establish "reasonable reliance" under 18 U.S.C. § 1964(c)?~~

Cert. Granted 6/27/05 limited to the following question:

Did the Court of Appeals for the Second Circuit err when it held that civil RICO plaintiffs alleging mail and wire fraud as predicate acts must establish "reasonable reliance" under 18 U.S.C. § 1964(c)?