

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

WATCHOUS ENTERPRISES, LLC,

Plaintiff,

v.

PACIFIC NATIONAL CAPITAL, *et al.*,

Defendants.

Case No. 16-1432-DDC

MEMORANDUM AND ORDER

Exercising its discretion, the court denies plaintiff’s Motion for Entry of Judgment (Doc. 430).¹ Facts established at the summary judgment stage of this litigation do not alter the court’s simultaneous conclusion that plaintiff’s civil RICO and civil conspiracy claims present triable issues. *See* Doc. 335 at 90 (“[O]ur Circuit recognizes that ‘[w]hether a pattern [of racketeering activity] exists is a question of fact for the jury to determine.’” (quoting *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, 336 F. Supp. 3d 1256, 1320 (D. Kan. 2018) (quoting *Resol. Tr. Corp. v. Stone*, 998 F.2d 1534, 1543 (10th Cir. 1993)))); *see also* Doc. 335 at 90 (“As with the existence of a RICO enterprise and pattern of racketeering activity, the court finds that deciding the scope of and membership in any conspiratorial agreement is a matter properly reserved for the trier of fact.”). Plaintiff demanded a jury trial and it will receive one. *See* Doc. 168 at 21 (Second Am. Compl.) (“Plaintiff demands a trial by jury[.]”). If appropriate, plaintiff may renew this request later during the trial.

¹ Defendants Charles Elfsten and Mark Hasegawa jointly filed a Response opposing plaintiff’s motion. *See* Doc. 431.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's Motion for Entry of Judgment (Doc. 430) is denied.

IT IS SO ORDERED.

Dated this 28th day of June, 2021, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge