SPECIAL ADVISORY TO CLIENTS WHO HAVE USED THE MEDICATION AVANDIA

Recently, UnitedHealthcare sent a letter and survey to all of its members who were prescribed the drug Avandia. The survey references cardiovascular injuries and asks whether you have retained an attorney if you believe your health has been compromised by use of this dangerous drug. UnitedHealthcare framed its survey as a means by which to contain its own costs by recovering your treatment expenses to reimburse itself. This would reduce your potential litigation award. Essentially, UnitedHealthcare is attempting to assert a lien or interest on its insureds’ settlements. If you have used Avandia and have suffered adverse health consequences, to preserve your legal rights, please consult with us before discussing your Avandia case with UnitedHealthcare or any other health insurer.

As a service to our clients, we are pleased to offer free legal consultation to anyone who has suffered adverse consequences from Avandia, or to the survivors of those whose deaths may have been caused by, or related to, Avandia. We will help you determine whether your claim is legally viable. If you believe that you may have such a case, please call our Avandia specialist, Karen U., at (401) 274-7400 to request a complementary Avandia case screening.

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Mark Grimm is an Associate Attorney who joined Marasco & Nesselbush in 2007. Attorney Grimm has practiced law for more than 25 years, focusing on civil litigation in the areas of personal injury and medical malpractice. He has taught law at the undergraduate level and has contributed a chapter called “Creating a Discovery Plan” to the professional reference book A Practical Guide to Discovery and Depositions in Rhode Island (2010). He graduated with honors from Brown University and from Boston College School of Law.

What do you love the most about your job?
I practice personal injury and medical malpractice law. The best part of this job is that it allows me to help people struggling after being harmed due to another’s carelessness. My clients often have very serious medical issues that have profoundly affected them, and they truly need assistance. When I achieve an award or settlement for them, it’s gratifying to know that I have helped to improve their quality of life. My work also serves to improve health care quality for everyone, in that it inspires physicians and hospitals to evaluate and change their practices in order to avoid additional lawsuits.

Think about a case that meant a lot to you.
What was it about that case that makes it stand out in your mind?.
I had a medical malpractice case against a dentist who had performed a root canal. The patient came back several times, complaining he still had pain; the doctor kept telling him he just needed antibiotics. Finally the man returned with a swollen face and jaw. He was seen by another dentist in the practice, who realized that not only had the root canal treatment been performed on the wrong tooth, but that the patient now had an abscess requiring surgical drainage and treatment on an emergency basis, before the swelling caused him to stop breathing. The patient was seen at the hospital, which had difficulty intubating him. His throat closed up, preventing breathing. A tracheotomy was attempted, but the swelling made this difficult, and he died before his airway could be opened.

There were several errors, all of which were brought out during the lengthy trial. In the end, the simplest explanation for this man’s tragic death was the one the jury accepted. The dentist had not carefully examined the x-rays, had performed a root canal on the wrong tooth, and then failed to re-examine the area after the patient continued to complain of pain. A simple dental procedure became a life and death illness which tragically cost a 35 year old man his life. The dentist had not acknowledged his wrongdoing until the facts came out at trial. As he testified, I could see in his face a slow realization that he had caused his patient’s death. The jury found against the dentist. I am confident that this dentist will be more attentive to patients in the future.

What do you like to do when you are not practicing law?
I enjoy playing keyboards in a local band. I also enjoy water skiing with my family.

Rhode Island Traffic Deaths Increase Dramatically

The National Highway Traffic Safety Administration (NHTSA) reported recently that even as national traffic fatality statics fell by 9.9%, Rhode Island traffic deaths rose by 28%. Based on the most recent data available, Rhode Island was one of only four states to experience an increase of more than 5%. Most other states reported significant decreases in traffic fatalities. According to NHTSA, 83 people died in traffic accidents in Rhode Island in 2009.

Experts speculate that a potential cause is Rhode Island’s continued relatively low seat belt use. Many of these deaths might have been prevented if occupants of vehicles had been wearing seat belts. Statistics indicate that 19 of Rhode Island’s traffic fatalities were not wearing seat belts. For safety’s sake, we urge everyone to buckle up every time they occupy a vehicle.

Highway Accident Victim Receives $900,000 Settlement

Marasco & Nesselbush recently recovered $900,000 for a client involved in a horrible motor vehicle accident. The client, a young man in his twenties, was driving on a local highway one evening when his car was struck at a high rate of speed in the high speed lane. The collision caused our client’s vehicle to crash into the Jersey barrier, after which both vehicles came to a stop in the road. When his engine caught fire, our client quickly exited, only to be struck by a second vehicle. His body was crushed upon impact, and he crashed through the windshield. Shockingly, the driver who hit him continued driving which both vehicles came to a stop in the road.

When at full speed with our client embedded in this wind shield. When the ambulance finally arrived, miles from the initial crash site, our client was barely conscious, severely injured and in unbearable pain.

Our client sustained multiple fractures to his face, nose, both legs and his right arm, as well as numerous cuts. Fortunately, he received extraordinary care from the trauma and orthopedic surgeons at the hospital, and he slowly recovered. Still the accident impaired his ability to perform his job and adversely affected his social and recreational life. The driver of the second vehicle, which shattered the body of our client, had no insurance and no assets. The insurance company for the first car that hit him argued that their insured had not caused him significant harm.

By litigating to settlement, Marasco & Nesselbush ensured that our client was fully compensated for his severe injuries, pain, lost earnings, medical bills, and the horrible toll the accident exacted on his quality of life. We aggressively pursued the case against the driver of the first vehicle. Under Rhode Island law, where two or more persons are jointly responsible for causing injury, they are both liable for the full amount of the damages. In this case, had the driver of the first vehicle not struck our client, he would never have been out on the highway in a position to be struck by the second car. Attorneys Joseph P. Marasco and Mark H. Grimm worked to compel the insurance company to pay this substantial award in full. While the settlement obtained will not erase the nightmare our client endured, we are heartened that it will allow him to heal knowing that his future is secure.

Marasco & Nesselbush

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We are very proud of our legal assistants and paralegals. We have chosen them because of their intelligence, skills and abilities, attention to detail, and ability to help win cases. If you are changing addresses, health insurers, doctors or phone numbers, or if you are going back to work, please contact your legal assistant. All of them can be reached at (401) 274-7400, or by email.

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### Did You Know?

The Social Security Administration’s Rhode Island Office of Disability Adjudication and Review (ODAR) ranks second to last in New England in terms of the percentage of disability cases awarded. Before you apply for SSI or SSDI, please make sure that you consult with one of Marasco & Nesselbush’s experienced and skilled disability attorneys so that you have the best possible chance of winning the disability benefits you need and deserve.