



*New England's Trusted Personal Injury & Social Security Disability Law Firm*

## AREAS OF PRACTICE

### Personal Injury Law:

- ☞ Auto Accidents
- ☞ Medical Malpractice
- ☞ Motorcycle Accidents
- ☞ Wrongful Death
- ☞ Uninsured Motorist
- ☞ Premises Liability
- ☞ Alcohol Related Accidents

### Social Security Disability Law:

- ☞ Social Security Disability Insurance (SSDI)
- ☞ Supplemental Security Income (SSI)

## SEVEN CONVENIENT LOCATIONS

PROVIDENCE, RI: (401) 274-7400  
685 Westminster Street

WAKEFIELD, RI: (401) 783-0000  
231 Old Tower Hill Road, Suite 206

WARWICK, RI: (401) 738-7700  
51 Jefferson Boulevard, 3rd floor

WOONSOCKET, RI: (401) 762-9800  
603 Park Avenue

LAWRENCE, MA: (978) 988-8800  
439 South Union Street, Suite #B-11A

QUINCY, MA: (617) 773-8700  
20 Whitney Road

NEW LONDON, CT: (860) 443-7734  
21 Montauk Avenue, Suite G04

Free Parking, Easy Access

## ATTORNEYS

Joseph P. Marasco  
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 Anthony S. Buglio  
 Philip M. Weinstein, *Of Counsel*

*This newsletter is intended for current and former clients of Marasco & Nesselbush. We thank you for your many kind referrals, and for placing your trust and confidence in our firm.*

## MARASCO AND NESSELBUSH Recently Recognized as Rhode Island “SUPER LAWYERS”!

Three attorneys at Marasco and Nesselbush were recently recognized as Rhode Island Super Lawyers by the prestigious Thomson Reuters legal rating service. Joe Marasco and Donna Nesselbush were selected as “Super Lawyers” in the areas of Personal Injury, Medical Malpractice and Social Security Disability. Associate Attorney Paul Dorsey was named a “Rising Star” for his exceptional legal representation of Social Security Disability clients.

Super Lawyers, a subsidiary of Thomson Reuters, rates outstanding lawyers in more than 70 practice areas. The rating service recognizes attorneys who have attained a high degree of professional achievement and peer recognition.

The process includes peer nominations, a statewide survey of lawyers and independent research. No more than 5 percent of attorneys in a state are selected as Super Lawyers.

The Super Lawyers list is featured in Rhode Island Monthly, a popular statewide magazine. Selected attorneys also are featured in *Super Lawyers Magazine*, which is distributed to law school libraries and attorneys throughout Rhode Island and the region.

“This distinction is humbling and gratifying for our law firm because Super Lawyers makes

*continued on page 2 - Super Lawyers*

## TRAGIC TRUCK ACCIDENT: *Wrongful Death Recovery in Excess of \$1 Million Dollars*

In a case involving unimaginable tragedy for a young family, our client’s husband was killed on Route 95 while outside his vehicle. His car had broken down, but before it came to a stop, he had managed to get it to the high speed breakdown lane. He then left the car and attempted to get out of harm’s way. Unfortunately, while near the high speed lane he was struck and killed by an 18-wheel tractor trailer.

The State Police investigation exonerated the truck driver based on witness interviews, one of which indicated that “there was nothing the truck driver could do to avoid the accident.” The State did not pursue any claims of criminal or reckless behavior based in part on these interviews and based on their limited accident reconstruction.

After being retained by the family, partner Joe Marasco and associate attorney Tim Lynch went to work. Together with their investigator they identified and interviewed numerous witnesses. It became apparent that other motorists had observed the vehicle in the roadway and had slowed or otherwise made efforts to avoid the pedestrian. By issuing a subpoena, they obtained 911 tapes that provided additional witnesses and other valuable evidence about the true nature of what occurred on the rainy highway. Most significantly, it was discovered that before the collision occurred, many other drivers had recognized the disabled vehicle and acted responsibly by slowing down and proceeding with caution. These witness accounts suggested that the truck driver had failed to recognize and react to the zone of danger and had been traveling at an unreasonable rate of speed.

*continued on page 3 - Wrongful Death*



**CHARITABLE FOUNDATION**

Last year to fulfill part of our mission, Marasco and Nesselbush formed a charitable foundation “to serve our community.” Through the generosity of our attorneys and staff, the Foundation has raised and distributed \$31,000 to local charities and non-profit organizations in the fourteen months since inception.

This December we asked our Facebook friends and clients to nominate deserving organizations to receive donations. Our staff, all of whom contribute to the foundation, then voted to select the organizations to receive end-of-year contributions. We are happy to announce

**Makes \$31,000 in Donations**

that five charities were selected to receive a total of five thousand dollars. The charities selected were the Tomorrow Fund, Youth Pride Inc., Amos House, McAuley House, The Brain and Spine Tumor Foundation and the Brain Injury association of Rhode Island.

We invite our clients to nominate any recognized charitable organization that has had an impact on their lives or any organization they know to deliver valuable services to those in need. If you would like to propose a charity, please contact Stephanie Galligan at Sgalligan@m-n-law or by call her at 401-274-7400.

**“Your present circumstances don’t determine where you can go; they merely determine where you start.” ~ Nido Qubein**

**Super Lawyers - continued from page 1**



*Pictured left to right: Marasco & Nesselbush Attorney Paul Dorsey and Marasco Nesselbush partners Donna Nesselbush, Esq., and Joe Marasco, Esq.*

its selections based on nominations and evaluations from our colleagues in the legal community,” said Joe Marasco. “The recognition of three attorneys from our firm shows the depth and quality of legal services we offer our clients in Rhode Island, Massachusetts and Connecticut.”

Attorneys were surveyed to nominate the best lawyers they know for the listing. Final selections are made after a rigorous, independent research and evaluation process of the nominated lawyers. Super Lawyers states that their objective is to create a credible, comprehensive and diverse listing of outstanding attorneys that can be used as a resource for attorneys and consumers alike.

“This honor and distinction reflects our law firm’s reputation, values and mission,” said Donna Nesselbush. “We are so proud that our Firm has achieved a reputation for honesty, integrity and excellence in the legal community. We are equally proud that we stand for personal, economic and social justice, always treating our clients with kindness, dignity and respect.”

All attorneys at Marasco & Nesselbush have an unwavering commitment to our clients and one simple goal: to obtain extraordinary results for each and every client.

**COME CELEBRATE VALENTINE’S DAY!**

**Saturday  
February 8, 2014  
11:00 AM – 2:00 PM**

“In the Name of Love,” Marasco & Nesselbush invites you to celebrate Valentine’s Day 2014! Join us on Saturday, February 8, 2014 at the principal office of Marasco & Nesselbush, 685 Westminster Street, Providence from 11:00 AM-2:00 PM for an afternoon of free giveaways, fun, learning and prevention all...In the Name of Love!

In the Name of Love, Marasco & Nesselbush will give away chocolate hearts to the first 100 guests. We will also give away heart shaped balloons and a many chances to win prizes and gift certificates to healthy Whole Foods.

Marasco & Nesselbush is celebrating Heart Awareness Month with the American Heart Association to showcase the many lifestyle changes that can keep adults and children “heart-healthy.”

Heart disease is the leading cause of death for both men and women; however, it is preventable and controllable. The American Heart Association (AHA) will demonstrate “CPR Anytime,” an innovative approach to teaching the basics of CPR so anyone can perform chest compressions during a cardiac emergency. The American Heart Association will highlight “Life’s Simple 7,” the 7 simple steps that lead to a long, healthy life – eat better, get active, lose weight, control cholesterol, manage blood pressure, reduce blood sugar, and stop smoking. Tips for healthy eating, CrossFit exercise demonstrations and yoga practice demonstrations will provide participants with practical activities that lead to healthy living. Refreshments will be provided. Demonstrations and materials will be available in English and Spanish.

Radio Station WKKB-FM Latina 100.3 will be broadcasting live from the Marasco & Nesselbush offices, so come meet DJ Gato and give a live on-the-air “shout out” of Valentine’s Day love to your family and friends. In the Name of Love, we welcome everyone to our offices to celebrate Valentine’s Day, get your free chocolate heart as well as a chance to win big prizes, all while learning the simple things we can do to live long, healthy and happy lives.

In the Name of Love...Saturday, February 8, 2014, 11:00 AM – 2:00 PM at the principal office of Marasco & Nesselbush, 685 Westminster Street, Providence, RI. Feel free to call 401.274.7400 for directions.

## MARASCO & NESSELBUSH: NOTABLE CASE HIGHLIGHTS 2013

**M**arasco & Nesselbush is proud to represent injured and disabled clients throughout Rhode Island. Our goal is to provide our clients with the utmost care and respect while also achieving extraordinary results. Recently, our Personal Injury and Medical Malpractice division has litigated a few cases resulting in millions of dollars for our deserving clients. Some of our recently settled cases include:

**Confidential medical malpractice wrongful death** settlement on behalf of the family of a young mother. After years of litigation our clients were compensated for her premature demise due to a communication error and delayed diagnosis of brain cancer.

**\$1,050,000 Wrongful death recovery** for a man killed in a commercial trucking accident. The family received the full amount of the trucking company's liability policy limit and an underinsured motorist policy limit. Extensive investigation and expert reconstruction were critical in establishing liability.

**\$1,000,000 Recovery** for a client who sustained a traumatic brain injury in a fall from a second floor window. Diligent investigation into the tragedy revealed a prior fall at the location, faulty screens and a failure to maintain the premises.

**\$500,000 Wrongful death settlement** in a medical malpractice claim against a Hospital for the emergency department's failure to timely diagnose and treat MRSA infection, resulting in lost opportunity to prevent progression of infection, quadriplegia and death.

**\$375,000 Pre-trial settlement** for a client who sustained a back injury when she slipped and fell in a supermarket. The lawsuit alleged negligent maintenance and failure to warn.

**\$350,000 Recovery** on behalf of a client injured in a rear-end automobile collision. Our client sustained a significant spinal injury which required spinal fusion surgery. The negligent driver's policy limit was exhausted and an additional \$100,000 of the recovery was obtained from the client's Underinsured Motorist coverage.

**\$305,000 Recovery** on behalf of a client who was injured when a negligent driver lost control of his vehicle and ran our client, who was riding a bicycle, off the road. Our client sustained serious injuries including a closed-head brain injury, post concussion syndrome, and a slap tear of the labrum of her left shoulder. A portion of the recovery was obtained from the client's Underinsured Motorist coverage.

**\$225,000 Settlement** for client who sustained a traumatic brain injury in a night club. Litigation demonstrated inconsistencies in the defendant's version of how the injuries were sustained.

**\$215,000 Settlement** of a medical malpractice claim against surgeon for injuries sustained as a result of clipping the wrong duct during a gallbladder surgery.

### **Wrongful Death** - *continued from page 1*

Marasco and Nesselbush then hired a nationally known truck accident reconstruction expert to review all of the witness information, physical evidence from the scene and to inspect the truck itself. The expert provided an opinion that the truck driver was negligent in several respects and failed to maintain a proper lookout and control of the truck under the circumstances. It was also learned that the truck driver probably violated strict rules limiting the length of time a commercial truck driver is allowed to drive without resting.

After difficult negotiations the insurance carrier for the trucking company offered to resolve the case for the full amount of the available coverage, \$1,000,000. In addition, the client's own Underinsured Mo-

**Over \$200,000 recovered** from a hotel company for victims who were exposed to Legionella bacteria (a bacteria which can cause Legionnaires Disease) while on vacation; Marasco & Nesselbush was able to demonstrate the owner's prior knowledge of the risk of exposure to its guests and a failure of the owner to take reasonable measures to address the risk.

**\$150,000 Settlement** reached for a college student who was involved in a motor vehicle accident on his way home from class. The accident, which was the result of the carelessness of a cab driver, caused the student to sustain serious injuries to his knee, including a torn meniscus and fractured patella.

**\$125,000 Recovery** on behalf of client who was injured when another vehicle ran a stop sign and broadsided our client, causing significant neurological injuries.

**\$100,000 Partial settlement** in a medical malpractice claim against hospital for injuries to a woman resulting from the failure to timely diagnose and treat an ectopic pregnancy.

**\$78,000 Arbitration award** recovered on behalf of a victim who sustained neck and lumbar sprains, leg contusions, bursitis and bicep tendonitis as the result of an automobile accident caused by the negligence of a distracted driver.

**\$75,000 Recovery** on behalf of a victim of a motor vehicle accident who suffered a fracture of his sternum when a negligent driver pulled out in front of him and caused a t-bone accident.

**\$75,000 Recovery** from the negligent driver who rear-ended our client while stopped in traffic on Route 1 in South Kingstown, causing personal injuries.

**\$65,000 Recovery** from the negligent driver of a commercial truck who rear-ended our client while stopped in traffic on Route 128 in Massachusetts causing personal injuries.

**\$55,000 Recovery** from our client's Uninsured Motorist coverage for personal injuries sustained as the result of being struck by a drunk driver who was operating on a suspended driver's license and without any insurance.

**\$55,000 Recovery** from a Providence Super Market for our client who sustained injuries after encountering a liquid spill.

torist coverage provided a further recovery in the amount of \$50,000.

Obviously, no sum of money can bring back someone's husband and father or fairly compensate for such a unimaginable loss. However, by structuring the settlement funds appropriately, the children will have money to ensure a college education and bright future. The funds provided to our client will be used immediately to purchase the family a home in a safer neighborhood with better schools.

When asked to comment on her experience with the firm our client reflected: "Joe and Tim are the best. They worked hard on my case; they are smart and never gave up. They were kind and caring to me and my family. I cannot thank them enough for all they have done for us. Because of their work, we will have a new home and financial security."



Please be sure to visit **Marasco And Nesselbush!**

## MARASCO AND NESSELBUSH

*Participates in Gloria Gemma Foundation Walk*



*For the third consecutive year, Marasco & Nesselbush has proudly participated in the Gloria Gemma Breast Care Foundation's walk to raise funds for breast cancer research and education.*

## Our Legal Assistants Team



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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.