



# MARASCO & NESSELBUSH LLP

## LAW OFFICES

*Rhode Island'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)

### FOUR CONVENIENT LOCATIONS

#### PROVIDENCE:

685 Westminster Street  
(401) 274-7400

#### WAKEFIELD:

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

#### WARWICK:

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

#### WOONSOCKET:

2168 Diamond Hill Road  
(401) 762-9800

Free Parking, Easy Access

### ATTORNEYS

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David H. Leveille  
Kyle E. Posey  
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.*



## YOU HELPED US SET A RECORD!

### Thank You for Your Kind Referrals in 2011

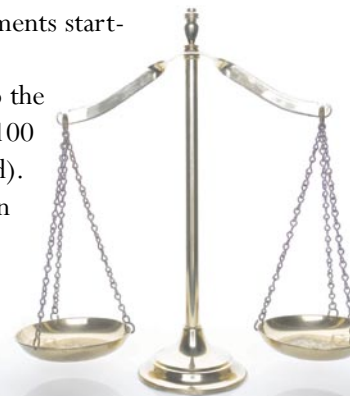
We are always grateful when our clients refer family members and friends to us for help. It is the greatest compliment we receive when our clients tell their loved ones that our firm is a place where they can place their trust. Client and professional referrals have always been the hallmark of our practice. We are especially pleased and humbled to report that in 2011, our clients and former clients referred 835 new clients to us for help with their Personal Injury, Medical Negligence and Social Security Disability cases. We thank you, and we promise to always work diligently to deserve the trust you have placed in our firm.

## Social Security Benefits will Increase 3.6 Percent for 2012 Based on Cost-of-Living Adjustment

The Social Security Administration (SSA) recently announced that all Social Security recipients (more than 60 million people in the United States) will receive a 3.6 percent increase in 2012. In other words, the cost-of-living adjustment (COLA) will increase the monthly benefit amount so that inflation doesn't counteract the purchasing power of Social Security benefits. This is the first COLA awarded since 2009.

All individuals who receive Social Security Disability benefits will receive the 3.6 percent COLA beginning in January 2012, and more than 8 million individuals receiving SSI benefits will receive increased payments starting December 30, 2011.

To pay for the COLA, the amount of income subject to the Social Security tax will increase from \$106,800 to \$110,100 (i.e., now the first \$110,100 of a worker's salary will be taxed). As such, about 10 million of the approximately 161 million workers expected to pay Social Security taxes in 2012 will be required to pay a higher tax. To learn more about how the COLA is calculated based on the Social Security Act, visit [www.socialsecurity.gov/cola](http://www.socialsecurity.gov/cola)





## MEET OUR ATTORNEYS Philip M. Weinstein, Of Counsel

Philip M. Weinstein is one of the finest, most experienced Personal Injury litigators in New England. He is past President of the Rhode Island Bar Association, past President of the Rhode Island Trial Lawyers Association (now the Rhode Island Association for Justice),

and served on the Board of Governors of the American Trial Lawyers Association (now the American Association for Justice). Attorney Weinstein received his J.D. from Howard University Law School and his undergraduate degree from Boston University College of Business Administration.

### *Please describe some of the highlights of your distinguished legal career.*

I am proud to have been nominated by my colleagues to lead several professional organizations, including the Rhode Island Bar Association. I'm also proud to have successfully tried the first case in Rhode Island in which an insurance company was held liable for "bad faith" regarding someone with Uninsured Motorist coverage. I have also successfully litigated numerous medical malpractice and injury claims, some settling for more than a million dollars, and have served as a mediator and arbitrator, both privately and for the U.S. District Court and Rhode Island Superior Courts. I am now proud to be of counsel to the respected law firm of Marasco & Nesselbush.

### *What case are you most proud of having litigated?*

A client suffering from multiple myeloma was referred to me. He had sprayed trees for an electric company twenty years ear-

lier with a chemical used to defoliate forests in the Vietnam War. I asked his oncologist whether he believed the the chemical exposure had caused the cancer; the doctor said it did. We then filed a lawsuit (*Depetrillo vs. Dow Chemical*) against one of the largest, most powerful corporations on earth. Through the legal process, I learned that chemical manufacturers knew in the 1940s that this chemical, dioxin, caused cancer, and had concealed this information from the U.S. Government, and from other users of the chemical.

We hired some of the leading experts on toxicology and cancer causation. A four week jury trial resulted in a remarkable recovery for my clients. Dow Chemical appealed to the Rhode Island Supreme Court, which upheld the verdict, establishing a precedent for the admission of expert testimony in Rhode Island. The Associated Press reported this verdict throughout the nation. I received many requests for assistance from Vietnam War veterans with cancer. The U.S. Government developed a compensation program for Vietnam Veterans and family members with cancer caused by Agent Orange exposure. I'm happy to be sharing this same zeal and drive with Marasco & Nesselbush clients.

### *What do you enjoy doing when you are not practicing law?*

I'm a serious swimmer, and I regularly participate in an annual swim from Newport to Jamestown. I also play tennis and golf, and scuba dive. My wife and I enjoy worldwide travel, including recent trips to Botswana, Zambia and South Africa, to Southeast Asia (Vietnam, Thailand, Laos and Cambodia), and to Rajasthan, India. We live in Massachusetts, and own a second home in Costa Rica.

AS WE LET OUR OWN LIGHT SHINE, WE UNCONSCIOUSLY GIVE OTHER PEOPLE PERMISSION TO DO THE SAME.

- Nelson Mandela

## MARASCO & NESSELBUSH

### Employees Share Our Holiday Spirit

Our firm is proud that our employees invest their time and energy into the community. We worked together to make the Thanksgiving and Christmas holidays brighter for those in need. For Thanksgiving, we invited our clients to enter a drawing for a Thanksgiving basket. Each basket was stuffed with every imaginable Thanksgiving food, along with a gift card for perishables. We gave these away during Thanksgiving week to six lucky families.

During the Christmas season, we offered support to a domestic violence advocacy center, the Women's Center of RI. Our staff and attorneys contributed new toys and warm clothing for children in families affected by domestic abuse. While there were many more people in need than our firm alone could support, we are proud that Marasco & Nesselbush continues to lend a strong, caring hand whenever we can.



## Workplace Accident Results in \$315,000 Recovery

In addition to Workers Compensation benefits, under certain circumstances, workplace injuries can result in successful personal injury claims. In one such case, our client, who worked for a security company, descended an exterior ramp, encountered an accumulation of sand, lost her footing, and fell, resulting in severe back injuries. She received Workers Compensation from her employer. However, the property was owned and controlled by a separate company, which had a duty to maintain the area in a safe condition. As a result, our client received Workers Compensation and was able to pursue a personal injury claim.

Initially, the insurance carrier for the owner of the ramp refused to negotiate. They suggested that the claimed damages were the result of a pre-existing medical condition. They also asserted that the plaintiff was largely responsible for her own injuries. After intensive litigation, Marasco & Nesselbush attorney Philip Weinstein was able to achieve a substantial settlement through mediation. Attorney Weinstein obtained the support of an economist and employed a well-respected medical expert to persuade both the mediator and the insurance company to offer \$315,000 to resolve the case.

Generally, employees who collect Workers Compensation benefits are unable to sue their employers. However, there may well be other legally liable parties. In this case, the owner of the property ultimately compensated our client substantially more than her meager Workers Compensation benefits. Marasco & Nesselbush ensures that injured clients are compensated by all legally responsible parties.

### Partner

## DONNA M. NESSELBUSH

### Honored by RI Bar Foundation as Fellow

Partner Donna M. Nesselbush has been named by the Rhode Island Bar Foundation as a Fellow, an honor bestowed upon persons whose professional and public careers have demonstrated their outstanding dedication to the welfare of the community. Ms. Nesselbush was one of only 17 attorneys nominated in 2011, and her induction was unanimously approved by the Foundation's Board of Directors.

"I was deeply honored to be nominated for this fellowship by my esteemed colleague, Attorney Christine McBurney," noted Ms. Nesselbush. "Through my three areas of service—as a Social Security attorney, as a Rhode Island state Senator, and as a Municipal Court Judge—I work every day to the best of my ability to serve the interests of justice and improve our community. I am proud to share these pursuits with the other Fellows of the Rhode Island Bar Foundation, and I am truly grateful for this honor."



Clip this and keep in the glove box of your vehicle

## WHAT TO DO

### If You Are In An Auto Accident



Call 911 right away.

Do NOT move your vehicle until a police officer says it's OK, unless it's necessary for safety reasons.



If you or your passengers are hurt, get medical help right away. If paramedics, EMTs, or police officers advise you or your passengers to take an ambulance to an emergency room, do it.



Get the names, addresses, and phone numbers of everyone who saw the accident happen (including other drivers and people walking on the street).



Get the names, addresses, drivers' license numbers and insurance information from all the other drivers involved in the accident.



If the person who hit you flees the scene before the police arrive, try to get the license plate number. Write down the plate number, state, color and model of car, if possible.



If possible, take pictures of the accident scene and damage to all vehicles with a camera or cell phone.



Never talk with an insurance company (even your own) before you talk with your attorney.

Please visit our website

[www.M-N-Law.com](http://www.M-N-Law.com)

or call us at

**(401) 274-7400**

for more information or a free legal consultation about a car, truck or cycle accident.



Find us on Facebook!  
Marasco And Nesselbush



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

# Happy New Year!



## Client Testimonial

*Greetings to All the Great Professionals at  
Marasco & Nesselbush:*

*Thank you all, especially Jane Duket, for all your kindness and help in getting my disability benefits. It has changed our lives so much... I could not express my gratitude to all of you. You stuck by me for three years, never giving up on me. The money has been life changing for my family. The day I went to adjudication, we didn't even have the money to park.*

*Jane, without your hard work and time vested, I don't know where I would be. It's a debt that we could never pay. Life is good. I have more good days than bad. I hope all of you continue your great work... You will always be our lawyers and our friends.*

*— Anne, 2011*

## Our Legal Assistants Team

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.

### Personal Injury / Medical Malpractice

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### Social Security

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