



# MN MARASCO & NESSELBUSH LLP LAW OFFICES

*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

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*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.*

## Medical Malpractice Claim

### COMMUNICATION ERROR – TRAGIC RESULTS

In medicine, a simple communication mistake can have tragic ramifications. Marasco and Nesselbush recently achieved a confidential settlement for the family of a woman whose life was tragically cut short due to a failure to communicate MRI results.

Our client, a young wife and mother had a history of brain cancer. She was suffering symptoms that led her doctor to question the possibility of a recurrence of the cancer and to obtain radiological images of her brain. Unfortunately, the results were not effectively conveyed to the doctor. To compound the problem, the physician allegedly relied on a verbal report from the radiology staff and failed to ever review the films or the MRI report. Months later it was learned that the images demonstrated a recurrence of her cancer, and the patient began treating. Unfortunately, she soon died leaving behind her young son and husband.

Attorney Joe Marasco alleged that if the doctor had been aware of the recurrence, treatment would have started sooner, and the patient would have had a chance for a better outcome. We retained medical experts who opined that the young woman's life would have been extended had the error not occurred. After years of litigation, the MRI facility acknowledged responsibility for the failure to communicate and settled with the family. Litigation continues against the doctor for her failure to obtain and consider the MRI result.

Communication mistakes are a leading cause of medical errors. As in this case, they can occur between medical care providers or between doctors and their patients. The results can be tragic. While no financial recovery can compensate for the loss of a loved one, experienced legal representation can provide some financial security for family members.

If you or a loved one has been injured due to medical negligence feel free to contact our experienced team. We are always available, and we welcome the opportunity to assist you.

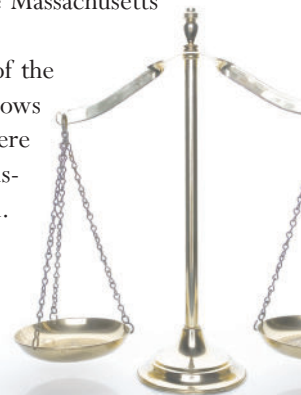
## RHODE ISLAND DISABILITY JUDGES

### Low Pay Rate of Social Security Disability Claims

Marasco & Nesselbush, LLP has long advocated for the injured and truly disabled. Unfortunately, statistical data appears to indicate that Rhode Island Social Security Disability judges pay far fewer claims than judges in our neighboring states. According to DisabilityJudges.com (which reports obtaining statistics from the Social Security Administration), the national average for the payment of cases at the hearing level is 46%. Rhode Island judges pay only 36% of cases at the same level, while Massachusetts judges pay 46% and Connecticut judges pay 50%.

Rhode Island now ranks in the lowest 10% of states in terms of the payment of Social Security disability benefits. This statistical data shows it is increasingly difficult to obtain these benefits in Rhode Island. There are only four states in the country where it is more difficult to win a disability hearing, and Rhode Island ranks most difficult in New England.

Fortunately, our clients fare much better. Quality legal representation is now more important than ever before. Should you, a family member or friend require assistance with a Social Security Disability case, please encourage them to call us today for a free consultation; we are always available to help.



## MARASCO & NESSELBUSH: SELECTED AS BEST PLACE TO WORK



We are pleased and proud that our firm was recently selected as a “Best Place to Work” for 2013 by Rhode Island Business News. The award is based upon comprehensive surveys conducted by the magazine. The firm’s attorneys and staff provided information about the quality of their work environment, our firm’s culture and their overall job satisfaction.

Joe Marasco stated, “Donna and I are so happy that the firm has received this honor. We have always said that if we expect our attorneys and staff to take outstanding care of our clients, then we need to take outstanding care of them. A primary reason for job satisfaction is a sense of common purpose. Donna Nesselbush said, “at Marasco & Nesselbush, we all work together to improve the lives of our clients by achieving outstanding legal results. This common and lofty goal has apparently resulted in a harmonious work environment.”

The survey results show how much our employees enjoy working at Marasco & Nesselbush. They said things like, “we feel part of a team working toward a shared goal; we know quality is a top priority for our firm; and we would recommend this firm to anyone.”

Marasco and Nesselbush was one of only 50 businesses throughout Rhode Island selected to receive this prestigious award. Other notable recipients of this honor included Alex and Ani, Amica Insurance, Amgen, University Medicine, and the Washington Trust Company.

**“Success is not final, failure is not fatal, it is the courage to continue that counts.”**

~ **Winston Churchill**

### Arbitration Results Demonstrate the Benefit of Skilled and Determined Legal Representation

Automobile insurance companies are in the business of making money. Their profits are generated by collecting as much as they can in premiums and paying out as little as they can in claims. Many companies attempt to generate profits by doing whatever it takes to reduce legitimate claims.

Having skilled, experienced legal representation, prepared to actually litigate your case, is critical to ensure that injured clients recover the full value of their damages from the insurance company. When companies know the attorney is willing and able to litigate, they will often offer full and fair compensation. Or they will agree to alternate dispute resolution (ADR), typically in the form of arbitration. Insurance companies will often arbitrate a case to avoid the costs of protracted litigation and to avoid the uncertainty of a jury trial.

A few recent cases handled by firm Associate Attorney, Tim Lynch, demonstrate what happens when an attorney is willing and able to arbitrate.

In the first case, our client was involved in a three-car collision. Prior to the accident, she had a long medical history of back problems, including a surgery. After the accident, her back problem was worse, and she suffered chronic, increased pain, but the diagnostic tests failed to demonstrate any objective findings that could be attributed to the accident. The insurance company offered \$29,500

to settle the case. This amount was inadequate, given her ongoing pain and suffering. We threatened litigation, and the insurance carrier agreed to arbitration. At arbitration, defense counsel contested both liability and damages. They argued that our client was at fault for the accident and that she was not badly injured. After weighing the evidence, the arbitrator found liability to rest 100% with the defendant and awarded our client \$45,240, 53% more than the insurance carrier’s initial offer to settle.

In the second case, our client was involved in a two-car collision and was diagnosed with neck and lumbar sprains, leg contusions as well as bursitis and bicep tendonitis. Following the accident, the client went to physical therapy for over a year. The insurance carrier argued she “over-treated” and the medical bills were unreasonable. The insurance company offered \$29,920 to resolve the case. At arbitration, defense counsel contested liability and damages. After weighing the evidence and the credibility of our client, the arbitrator awarded this client \$78,000, 161% more than the insurance company initially offered to pay.

As you can see, insurance companies almost always resist paying full value on claims. Even in relatively small cases, they often need to be pushed to do the right thing. When injured clients have a competent attorney in their corner, one who is prepared to fight for full value, insurance carriers know better than to sell the claim short.

## MARASCO & NESSELBUSH: We Never Give Up

The lawyers at Marasco & Nesselbush have the experience needed to win Social Security cases even when the Social Security Administration (SSA) repeatedly denies the claim. We simply will not give up until justice is served.

Recently, a client came to us after fighting SSA on his own. He had received two denials. After reviewing his file, we quickly realized that SSA did not obtain most of his medical records. Marasco & Nesselbush Attorney Jennifer Belanger went to work and obtained all of the missing medical records and prepared a cogent and strong legal argument.

At the initial hearing, the ALJ indicated he agreed with Attorney Belanger's opening statement concerning disability but felt that a medical expert was necessary. After the supplemental hearing the ALJ denied the claim! We appealed, and the Appeals Council denied review.

Marasco & Nesselbush felt strongly that the ALJ erred in his decision, so an appeal was filed in the United States District Court. On appeal, the District Court agreed with our position and ruled that the ALJ committed harmful errors. The case was sent back for a third hearing. The ALJ commented that he agreed with the lawyer's opening arguments, but felt that a medical expert was needed. At a fourth hearing, after pointed legal questioning by Attorney Belanger, the medical expert finally agreed that our client was disabled. We are proud of Attorney Belanger for obtaining a favorable decision on behalf of this deserving client.

Because Attorney Belanger was driven to fight for justice until the bitter (and then sweet) end, our client was finally awarded 7 years of retroactive benefits for himself and his minor children!

## THANK YOU: Agnes Aghjayan Retires



With mixed emotions, we recently celebrated the retirement of our beloved bookkeeper Agnes "Shooshy" Aghjayan. Shooshy began with us fourteen years ago and was our only bookkeeper. She is truly "one of a kind" and "pure gold." We are happy knowing that at the age of "39" she will enjoy her retirement for years to come with her husband, Haig, and her family. Shooshy is a wonderful woman, proud of her Armenian heritage and dedicated to her family, faith and friends. She is fierce, feisty and unforgettable. Her retirement is a tremendous loss for our firm. She showed competence and passion for her work with unquestioned loyalty and dedication. She is loved and will be missed by her Marasco & Nesselbush family.

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.



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## Thank You

### For Referring Your Family & Friends!

**T**hank you to our loyal friends, our current and former clients, who have referred others to our firm.

We are humbled by and grateful for your trust and confidence. Thanks to you, we have received almost 200 referrals from clients this quarter! If you refer someone to our firm, please let us know so we can say thanks. We love to acknowledge the people who are pleased with the outstanding results we achieve and who refer friends and family to our law firm. Please email us at [info@M-N-Law.com](mailto:info@M-N-Law.com) and tell us who you referred; we will be happy to mention and acknowledge you in our next newsletter.

## 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.