



# 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.*

## FALL RESULTS IN TRAUMATIC BRAIN INJURY *Million Dollar Recovery for Adolescent*

In a case which spanned more than a decade, Marasco & Nesselbush partner Joe Marasco and associate counsel Tim Lynch achieved a million dollar recover for a child who fell from a window.

The case posed numerous challenges with respect to proving liability and establishing the extent of the client's injuries. The child fell from a window in a public housing complex in Providence. There were several allegations with respect to the landlord's negligence. Most importantly there was a screen missing in the child's room and the child's mother had requested a replacement. In addition the window sill in the converted factory building was wide enough for a child to sit on which created an "attractive nuisance" and a likely injury.

In fact, the investigation established that another child had fallen in a similar manner which meant that the landowner was on notice of the potential for harm.

*continued on page 2 - Recovery*

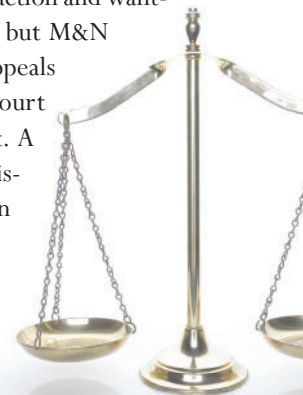
## HARD AND LONG FOUGHT DISABILITY AWARD *DAC Benefits Awarded to Deserving Disabled Adult Child*

Marasco & Nesselbush, LLP recently obtained a landmark award of Social Security Disability Insurance (SSDI) benefits on behalf of a deserving woman who had been wrongly denied those benefits for more than ten years.

A mentally disabled schizophrenic woman entered our office in December, 2003. She had been on Supplemental Security Income SSI since 1994, but she was barely getting by. Someone at Social Security had told her about getting benefits on her father's record, but she had never been able to do so. Disabled Adult Child benefits, or DAC benefits, allow a disabled person, under certain circumstances, to collect Social Security benefits based upon a parent's earnings record. These benefits are only available, however, if the individual is able to show that he or she had been disabled and unable to work since prior to age 22 and if the parent is collecting her/his Social Security benefits. Our client had applied for these benefits, but in order to prove she was disabled prior to age 22, she had to prove that she had been disabled all the way back to 1969. This was a tall order, and Social Security kept denying her.

Disabled Adult Child (DAC) cases are very complicated. Upon seeing this schizophrenic woman struggling, lawyers from Marasco and Nesselbush sprang into action and wanted to help. An Administrative Law Judge denied the case at hearing, but M&N attorneys did not give up. When her appeal was also denied by the Appeals Council, we did not give up. Rather, we filed suit in Federal District Court and proved that the Administrative Law Judge's decision was unjust. A second hearing was scheduled. Unfortunately, the exact same Administrative Law Judge heard the case, and denied this woman's application all over again. After another appeal was denied, lawyers from Marasco and Nesselbush filed suit once again in Federal District Court. Once again, the Court ruled that the decision was unjust, and ordered Social Security to hold another hearing on the matter.

*continued on page 2 - SSDI Award*





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

## PARTNERS ADDRESS BRAIN INJURY ASSOCIATION CONFERENCE

Recognizing their commitment and experience providing legal care to those suffering from brain injuries, partners Joseph Marasco and Donna Nesselbush were invited to present at the annual Brain Injury Association Conference held on May 2, 2014 in Warwick RI.

Attorney Nesselbush presented on issues relating to Social Security disability law. She offered valuable advice to those suffering from brain injuries and to clinicians as well, regarding the disability process and laws governing disability eligibility.

Attorney Marasco identified the legal options available to those suffering brain injuries due to negligent or reckless conduct. Joe discussed the impact that severe brain injury has had on the firm's personal injury clients and the special challenges faced when litigating accident cases on behalf of those suffering from severe traumatic brain injury.

**“A ship in the harbor is safe, but that is not what ships are built for.” ~ William Shedo**

### **Recovery** - continued from page 1

The defendant owners disputed the allegations and suggested that even if the screens were missing; “screens are for keeping bugs out...not children in.” In addition, they contended that although the child had sustained an initial injury, there was no permanent harm caused by the fall.

After many years of contentious advocacy and careful medical documentation, the defendants relented and the case was settled for a million dollars. The defendants were swayed by expert medical opinions obtained by counsel documenting the significant impact that the injury had on our client's educational record and vocational opportunities. In addition, our investigation established that the landlord had routinely failed to maintain the property in a reasonably safe condition. “We are pleased with the outcome we achieved for the young man. It was truly a team effort in handling a difficult case,” stated partner Joe Marasco. “The case demonstrates the determination of our attorneys and staff. It is the type of result we are known for achieving. The funds will provide economic stability for the young man and will guarantee him a better quality of life.”

### **SSDI Award** - continued from page 1

In September 2013, a third hearing was held. All throughout the entire litigation history of this case, lawyers from Marasco and Nesselbush had made one simple argument: this case involved psychiatric records dating all the way back to the Nixon Administration. We argued that, at the very least, before denying benefits to a woman whom, Social Security itself agreed had been too mentally ill to work since at least 1994, the Administration should at least ask a psychiatrist to review the medical records and opine as to our client's ability to work from the all important date of 1969 and onward. Finally, the Administration relented and granted our request that the case be reviewed by a “psychiatric medical expert.” At a hearing in September 2013, the psychiatrist paid for by the Social Security Administration finally testified that our client had indeed been disabled for five continuous decades. We had finally WON our client's case!

We are proud of the Marasco & Nesselbush legal team. It took the dedication of several attorneys working together for ten long years to finally get this outstanding and impressive favorable result. We at Marasco and Nesselbush are humbled and grateful to have worked on such a deserving case for such a deserving client. If you or someone you know needs an attorney, call us. If we believe you are disabled and have been denied justice, we will fight for your disability benefits, even for a decade, if that's what it takes to WIN!

# MAY NATIONAL BIKE SAFETY MONTH



## STOP BY OUR OFFICE! SELECT YOUR FREE BIKE HELMETS FOR YOU AND YOUR FAMILY

*Courtesy of Marasco & Nesselbush.*

**M**ore children ages 5-14 are seen in the emergency room for biking accidents than accidents related to any other sport. According to some studies, bicycle helmets can reduce the risk of serious brain injury by up to 88%. Through the years the attorneys at Marasco and Nesselbush have seen the devastating impact that bike accidents can have on riders and their families. This year we have chosen to do our small part in avoiding these potential injuries. We are offering free bicycle helmets to our clients and their families. The helmets are available in a variety of sizes and colors. Stop by our Providence office to select helmets for you and your family.

Below are some other Safety Tips provided by Child Safe Worldwide:

### TOP BIKING TIPS

- ✿ "Use your head, wear a helmet." It is the single most effective safety device available to reduce head injury and death from bicycle accidents.
- ✿ Tell your kids to ride on the right side of the road, with traffic, not against it. Stay as far to the right as possible. Use appropriate hand signals and respect traffic signals, stopping at all stop signs and stoplights.
- ✿ Teach your kids to make eye contact with drivers. Bikers should make sure drivers are paying attention and are going to stop before they cross the street.
- ✿ When riding at dusk, dawn or in the evening, be bright and use lights – and make sure your bike has reflectors as well. It's also smart to wear clothes and accessories that have retro-reflective materials to improve biker visibility to motorists.
- ✿ Actively supervise children until you're comfortable that they are responsible to ride on their own. - See more at:  
<http://www.safekids.org/bike#sthash.FOuDSDqS.dpuf>

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

## FREE PAWSOX TICKETS

*to Our Loyal Clients*



Once again M&N is a proud sponsor of the Pawtucket Redsox. To say "Thanks" to our many loyal clients, we have free tickets available for all home games. We have four great box seats for each game as well as general admission tickets for the entire season. Please call the office and we will set aside your free tickets today.

## 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.

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