



# NEWS



PERSONAL INJURY ■ MEDICAL MALPRACTICE ■ SOCIAL SECURITY DISABILITY



JOSEPH MARASCO, ESQ.



DONNA NESSELBUSH, ESQ.



MARK GRIMM, ESQ.



THOMAS MORAN, ESQ.



JANE DUKET, ESQ.



TIMOTHY LYNCH, ESQ.

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2021

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Dear M&N Clients, Friends, and Family,

It has been a hopeful spring, with warmer temperatures, and a feeling that our lives may soon be back to normal as the COVID threat continues to recede. It has been great to get outside, take in the fresh air, and be more engaged with friends and family. In the months ahead, we hope to put COVID-19 fully behind us as the loosening of restrictions continues.

Our firm is rooted in the relationships we build with our clients and we look forward to resuming in-person interactions soon. While COVID-19 is still a threat, to ensure that our clients and team remain safe, we will continue to provide legal care using video conferencing when meeting with clients.

As we fully emerge from the pandemic, we look forward to seeing clients face-to-face and working together with our colleagues under one roof. Until then, stay safe, healthy and enjoy the season!

Sincerely,

Joe and Donna

*Joseph P. Marasco*

*Donna Nesselbush*



Attorneys selected from M&N are (pictured left to right) Jane Duket, Mark Grimm, Joseph Marasco, Donna Nesselbush, Timothy Lynch, and Thomas Moran.

Six Marasco & Nesselbush attorneys have recently been selected to be included in Rhode Island's Excellence in the Law published by Rhode Island Monthly. Attorneys were selected based on several criteria ranging from peer reviews, feedback from professionals in related fields, professional standing, and other data collected by a third-party survey and data company. "It is a great honor to have six of our attorneys recognized by our brother and sister attorneys in Rhode Island," said partner Joseph Marasco.

## M&N Recovers \$6.2 Million for a Passenger in a Rollover Accident

The Marasco & Nesselbush litigation team joined by New York counsel recently recovered \$6,200,000 for a car accident victim who sustained catastrophic injuries in a rollover crash caused by a distracted driver.

Our client was a passenger in a two-vehicle collision on a New York highway. The impact forced our client's vehicle off the road, resulting in a rollover accident. He was ejected from the vehicle and sustained catastrophic injuries, including an injury to his spinal cord that resulted in quadriplegia. Within days of the accident, he was referred to our office by a former client who had trusted us and knew that their friend would be in caring hands.

After retaining Marasco & Nesselbush, our team, including partner Joseph Marasco, attorney Tim Lynch, and paralegal Heather Jennison, moved quickly to build a case file and secure several legal experts required to reach a significant outcome.

The Defense vehemently fought this case, alleging that our client was not wearing a seat belt and, as a result, should not recover for his injuries. In Rhode Island, a jury cannot consider, for any reason, evidence of the use or nonuse of an available seat belt in the context of assessing damages in a personal injury case. However, because this accident occurred in New York, this case faced unfavorable law.

In New York, if a jury were to find that an injured plaintiff was not

wearing a seat belt at the time of an accident, the injured plaintiff's damages are reduced; the plaintiff cannot recover for injuries that would have been prevented by wearing a seat belt.

In our case, the Defense argued that our client's injuries would have been far less severe if our client had been wearing a seat belt and thus our client should be entitled to only a fraction of his damages. However, our team was unwilling to accept anything short of a full recovery.


We retained a well-respected biomechanical expert to review the scene of the collision and the evidence from the vehicles involved. The expert conducted a 3D mapping of the site and performed an analysis based on the variables involved. We also consulted with a revered physician-engineer to work alongside this expert. Ultimately, our expert team concluded that the injury to our client's spine would have happened even with a seat belt. M&N then secured a lifecare planner to testify to our client's medical condition and expected future medical needs and costs.

When it became clear that our team was prepared to proceed to trial, the Defense elected to settle the case. In the end our client was compensated for the full extent of his injuries caused by the distracted driver. The \$6.2 million recovery exceeded the insurance policies available and were paid in part by the corporate assets of the defendant. The Marasco & Nesselbush team is proud and grateful to have recovered the settlement for our deserving client.

## The Tomorrow Fund




**W**e were thrilled to have a team from our Warwick office participate in The Tomorrow Fund's 18th Annual Stroll N' Roll event in Garden City this past April. Partner Donna Nesselbush said, "Seeing the community come together, even during this unique time, for such an important cause that is near and dear to so many was truly uplifting and inspiring."

The Tomorrow Fund is a charitable organization that provides financial and emotional support to children with cancer and their families. M&N gives a big thank you to The Tomorrow Fund for all the wonderful things they are doing to support the community. 

## CHRISTINA CORSO Employee of the Quarter



**M**arasco & Nesselbush is proud to recognize Social Security team lead, Christina Corso, as the Employee of the Quarter for Q1 2021. When asked what she likes most about working for M&N, Christina said, "I really enjoy the company culture that we have. Even through our time of working remotely, we have maintained a family type of feeling. My co-workers have turned into life-long friends. For the 11 years I have been with Marasco & Nesselbush, I have cherished the relationships I have created with the clients we help every day."

In her spare time, Christina enjoys all things Halloween, running, reading books, watching thriller movies and spending time with family and friends. 



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.

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*This newsletter is intended for friends and clients of Marasco & Nesselbush.*

*The Rhode Island Supreme Court licenses all lawyers in the general practice of law. The court does not license or certify any lawyer as an expert or specialist in any field of practice.*

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**W**e want to take a moment to recognize social security specialist Maryellen Squillante (pictured top) executive assistant Natasha King (pictured center) and attorney Jane Duket (pictured bottom) on their 10-year anniversary with M&N. Thank you for always going above and beyond for our clients!

**A Gift from M&N**



**Marasco & Nesselbush is pleased to offer..**

...a free small cooler and hand sanitizer to our past and present clients, and friends of the firm. These coolers and sanitizers are ideal for the office, car, travel, and all types of outdoor events. It is another small way we can say *thank you* for your many years of support, kind referrals, and friendship.

**To receive your cooler and hand sanitizer, please e-mail:**

JoeAndDonna@M-N-Law.com with your name, phone number, and address, and we will send it to you. Quantities are limited. 📧