



NEWS



PERSONAL INJURY ■ MEDICAL MALPRACTICE ■ SOCIAL SECURITY DISABILITY

Recognized by Best Lawyers and U.S. News and World Report

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Best Lawyers
ONES TO WATCH
JANE DUKET 2022

JOSEPH P. MARASCO 2022
RECOGNIZED BY
Best Lawyers

Best Lawyers
LAWYER OF THE YEAR
MARK H. GRIMM
MEDICAL MALPRACTICE LAW - PLAINTIFFS
PROVIDENCE 2022

DONNA M. NESSELBUSH 2022
RECOGNIZED BY
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ONES TO WATCH
TIMOTHY P. LYNCH 2022

Jane Duket, Esq.

Joseph Marasco, Esq.

Mark Grimm, Esq.

Donna Nesselbush, Esq.

Tim Lynch, Esq.

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M&N recognized by U.S. News & World Report for the fifth consecutive year

Marasco & Nesselbush has been named to the 2022 Edition of “Best Law Firms” published by U.S. News & World Report for the fifth straight year. The firm has achieved Top Tier rankings in the State of Rhode Island for Personal Injury Litigation and Medical Malpractice Litigation.

Additionally, five lawyers have been included in the 2022 Edition of The Best Lawyers in America® for their accomplishments. Lawyers on The Best Lawyers in America list are divided by geographic region and practice areas. They are reviewed by their peers based on professional expertise.


Marasco & Nesselbush would like to congratulate the following lawyers named to The Best Lawyers in America list:

- ★ **Mark H. Grimm:**
Lawyer of the Year for
Medical Malpractice Law in the Providence Metro Region
- ★ **Joseph P. Marasco:**
Personal Injury and Product Liability Litigation for Plaintiffs



- ★ **Donna M. Nesselbush:**
Personal Injury Litigation for Plaintiffs
- ★ **Timothy P. Lynch:**
Ones to Watch for Personal Injury Litigation for Plaintiffs
- ★ **Jane R. Duket:**
Ones to Watch for Medical Malpractice for Plaintiffs

“It is truly a great honor to have five lawyers recognized this year by the Best Lawyers in America group,” noted Marasco & Nesselbush Partner, Joseph Marasco. Co-Founder and Partner, Donna Nesselbush, added, “Being recognized by our peers is one of the greatest compliments in our industry. I believe it’s the character, tenacity, and kindness of our team that set us apart.”

Firms and lawyers included in the 2022 Edition of “Best Law Firms” published by U.S. News & World Report and Best Lawyers in America® are recognized for professional excellence with consistently impressive ratings from clients and peers. 



Long Covid is now a disability under the Americans Disabilities Act

For those who have been diagnosed with COVID-19, most are finding that their symptoms are resolving after a few weeks. However, for a select group who have tested positive, significant symptoms have lingered. This condition is known as “long COVID.” The American Academy of Physical Medicine and Rehabilitation estimates that anywhere from 3 million to 10 million Americans are experiencing “long COVID.”

According to the Centers for Disease Control and Prevention (CDC), those suffering from long COVID are experiencing a range of new or ongoing symptoms that are lasting for weeks or months after first becoming infected with COVID-19. Under the American Disabilities Act (ADA), Section 504, and Section 1557, long COVID is determined to be a physical or mental impairment if it substantially limits one or more major life activities, according to the U.S. Department of Health and Human Services.

To qualify for Social Security Disability benefits, applicants must demonstrate a disability that substantially limits their ability to work and has lasted, or will last, for at least a year. Typically, the Social Security Administration uses medical assessments or health records to determine whether someone qualifies.

Some people with long COVID symptoms have had success obtaining benefits, even without a positive coronavirus test, if they can demonstrate a substantial downturn in their health and ability to work even though getting approved for benefits can be rather difficult.

An individualized assessment is necessary to determine whether a person’s long COVID condition or any of its symptoms substantially limits a major life activity. The CDC and health experts are working to better understand long COVID.

For sources visit:

<https://www.m-n-law.com/long-covid-is-now-a-disability-under-the-ada-section-504-and-section-1557/>

MN Charitable Foundation Spotlight

The Brain Injury Association of Rhode Island (BIARI) is dedicated to increasing awareness of brain injury and its consequences, providing education to prevent brain injury, and enhancing the quality of life for those affected by brain injury.

The BIARI is comprised of brain injury survivors, their families and friends, healthcare professionals, physicians, providers of brain injury rehabilitation, and other advocates. They provide information and access to resources for survivors, families, caregivers, and professionals through their Resource Center.

Additionally, the BIARI collaborates with state and private entities to educate survivors, family members, and professionals on all aspects of brain injury prevention, treatment, and support needs.

We are proud to support the Brain Injury Association of Rhode Island and help to increase public awareness of traumatic brain injuries. If you, a family member, or friend is suffering from a concussion, head trauma, or brain injury, contact the Brain Injury Association of Rhode Island at www.biari.org or (401) 228-3319.



Family awarded \$1.4 million for loss of son

In a tragic case involving the death of a teenager who passed away due to a traumatic brain injury sustained in a high-speed car accident, Marasco & Nesselbush clients were awarded \$1.4 million for the loss of their son. While no amount of money can undo the harm caused, our firm is proud to have assisted the grieving family through this difficult process and has obtained a sum allowing, among other things, the creation of a memorial park in the young man's honor.

Unfortunately, our client was the victim of alleged reckless or negligent conduct by another teenage driver. The defendant's insurance company initially argued that our client was partially responsible for his death because he chose to ride with the defendant instead of getting out of the vehicle after the defendant began to drive recklessly, as had another passenger.

Under Rhode Island's wrongful death statute, the parents of the deceased are entitled to recover loss of familial society damages, any provable pre-death pain and suffering, and lost economic value to the estate.

Our firm retained economic experts to establish long-term financial losses to the estate based upon the young man's demonstrated work ethic and academic performance. Most importantly, however, the \$1.4 million awarded included damages for familial loss of society for the parents of the teenager. The key to establishing the damages, in this case, was demonstrating the strong, loving relationship that both parents had with their son.

After filing a lawsuit and proceeding to an arbitration, the Marasco & Nesselbush litigation team resolved the case for the maximum available from the defendant's insurance company together with the maximum available from the two underinsured motorist policies. While we acknowledge that no amount of money can ever make such a loss bearable, at least this young man's family can memorialize their son's life and preserve his legacy.

March is traumatic brain injury awareness month

Marasco & Nesselbush has a well-deserved and respected reputation for its expertise in handling complex cases involving traumatic brain injuries.

For more than 20 years, we've provided trusted legal care for clients who have sustained traumatic brain injuries. The following are recent settlements achieved by the Marasco & Nesselbush team.

\$4,500,000 recovered for a client who sustained a traumatic brain injury in a car crash.

\$1,500,000 secured for a family after a hospital was found liable for a wrongful death due to an undiagnosed brain injury.

\$1,400,000 won for a family whose son passed away due to a brain injury sustained in a high-speed car accident.

\$1,250,000 recovered on behalf of a young woman who sustained a traumatic brain injury as a passenger in a recklessly operated vehicle.

\$1,025,000 pre-trial award for a brain injury survivor who was struck by a vehicle while walking.

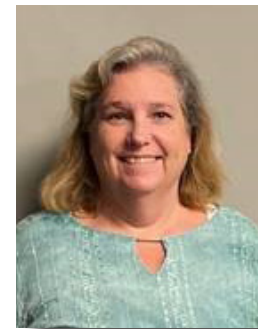
\$1,00,000 awarded to the family of a youth who sustained a traumatic brain injury after being struck by a drunk driver.

\$1,00,000 achieved for a child who sustained a traumatic brain injury after falling from a second-floor window due to the landlord's failure to maintain the premises.

Achieved a favorable decision with the SSA for a motorcycle crash survivor who suffered a disabling traumatic brain injury.

ROBIN VELIEU

Employee of the Year



Marasco & Nesselbush is proud to recognize Robin Velieu as our 2021 Employee of the Year! Robin has been our bookkeeper, playing an integral role in all that we do for more than five years. When asked what she likes most about working at M&N, Robin said "I love the people at M&N; they are like family to me. So kind and generous. Everyone is always so willing to help each other." In her spare time, Robin enjoys spending time with her grandchildren and fishing with her husband.

Joseph P. Marasco, Esq., *Partner*
Donna M. Nesselbush, Esq., *Partner*

Lauren N. Bizier, Esq.
Anthony S. Buglio, Esq.
Douglas E. Chabot, Esq.
Nicklyn G. Dolphin, Esq.
Jane R. Duket, Esq.
Selena D. Fortes, Esq.
Mark H. Grimm, Esq.
Ryan P. Kelley, Esq.
Timothy P. Lynch, Esq.
Thomas L. Moran, Esq.
Noah M. Zimmerman, Esq.

Bartley M. McNally, Esq., *Of Counsel*
Philip M. Weinstein, Esq., *Of Counsel*

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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What to expect from your insurance company after a traumatic brain injury

As Rhode Island's leading injury law firm, we regularly speak with clients who suffer from a concussion, head trauma, or traumatic brain injury (TBI). Oftentimes our clients are unsure what brain injury tests and treatments are covered by their health insurance.

Most clients have basic health insurance plans, and the coverage is contingent on their selected plan, pre-existing conditions, deductibles, and other factors. There are some items, however, which can be expected to be covered by insurance.

- **Emergency Room Care:** Under the Affordable Care Act, health insurance plans are required to cover emergency services. Following an accident, a trip to the E.R. will be covered under insurance, including all testing and treatment performed while in the care of emergency services.
- **Surgery:** If a surgical procedure is required, insurance will typically cover a major portion of the cost of surgery.
- **Long-term treatment and therapy:** Oftentimes, TBIs cause life-altering injuries that may need extended treatment, including physical, speech, occupational, mental health, or other types of therapy plans. However, these therapies have more stringent restrictions on the frequency and provider who can perform the treatment.

When developing a long-term brain injury treatment plan, it is important to get guidance on this plan from your medical providers. There are no standard treatments for head injuries, and every plan is customized. Treatments may include significant rest, psychological counseling, physical therapy, cognitive behavior therapy, speech therapy, vocational therapy, or occupational therapy. From our experience working with hundreds of clients who have suffered a TBI, we understand the importance of these treatments as well as the need for ongoing care.

It's important to discuss the details of the individual treatment plan with your insurance company to determine what will be covered and what expenses may be your responsibility.

The Marasco & Nesselbush team continues to work to make sure our clients are receiving the medical treatment necessary to heal their injuries while we advance their legal claims.

A Gift from M&N



We're putting the winter behind us and getting ready for spring. Since April showers bring May flowers, we are pleased to offer a free umbrella and travel mug set as a way to say thank you for your many years of support, referrals, and friendship.

To receive your umbrella and travel mug, please e-mail: JoeAndDonna@M-N-Law.com with your name, phone number, and address - and we'll send it to you. Quantities are limited so please reach out quickly.