



# 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:

603 Park Avenue  
(401) 762-9800

Free Parking, Easy Access

### ATTORNEYS

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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.*

## MARASCO & NESSELBUSH Wins Precedent-Setting Medical Malpractice Verdict

In a case tried by Partner Joseph P. Marasco and Associate Mark H. Grimm, a local hospital was found liable for the tragic death of an 11 day old girl. Following a six year battle and a five week trial, we are pleased that justice was served. A Superior Court Judge determined that the hospital and the doctors were negligent in the care they provided to the child in an emergency room setting.

Our clients' daughter was taken by ambulance to an area hospital after she stopped breathing at home. Despite the family's efforts to communicate that the child had stopped breathing, this critical information was not understood, ignored or discounted by emergency room personnel. The parents speak a different language than hospital personnel, and interpreters were not provided. The child appeared well in the emergency room and was discharged. Twelve hours later, when the baby stopped breathing again, she was returned to the hospital and ultimately declared dead after brain death protocol.

The hospital's defense centered on the theory that the baby died due to "non-accidental suffocation" by her mother. The hospital attorneys challenged the cause of the death and stated that the hospital's doctors and nurses behaved within the standard of care in obtaining a history and discharging the baby girl.

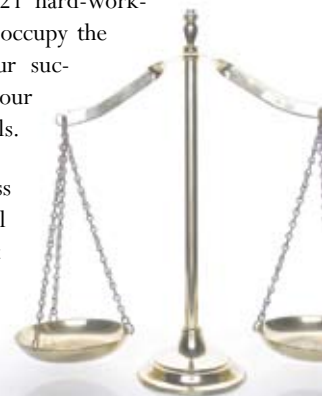
In reaching his conclusion, the Superior Court Justice balanced the credibility of the baby's parents and their experts against that of the two doctors and nurses who treated the child. As part of the ruling, the Justice determined that the hospital staff negligently failed to provide the family with an interpreter and that the Spanish speaking parents deserved the chance to provide, with the help of quality translation, a complete history of the child's symptoms. He found evidence in the hospital record that the family had attempted to explain that the child had stopped breathing. Ultimately he ruled that the hospital failed to make a proper diagnosis and negligently

*Continued on page 2 - Malpractice Verdict*

## MARASCO & NESSELBUSH Celebrates its Tenth Year Anniversary... Thank You!

This spring, Marasco & Nesselbush celebrated the tenth anniversary of our law firm. From humble beginnings—namely, Joe and Donna and one secretary—we have grown into a firm with eight dedicated attorneys and 21 hard-working support staff. From a small office in Providence, we now own and occupy the entire 3-story office building and maintain three satellite offices. Our success and growth are largely due to the faith and confidence that you, our clients, have placed in us, especially through your many kind referrals.

With each year and each new employee, we continue to stress the basic philosophy of our firm: to relentlessly advocate with skill and determination to protect the rights of our clients and to treat each client with dignity and respect. We promise to honor this philosophy and to always deserve the trust you have placed in us. Thanks again for choosing the law offices of Marasco & Nesselbush.





WEAR  
YOUR  
HELMET...

## Motorcycle Safety Awareness Month

The Rhode Island Department of Transportation has joined other state and national organizations in observing **Motorcycle Safety Awareness Month**. While statistics show that the number of people killed in auto accidents in 2008 was the lowest since 1961, unfortunately, motorcycle fatalities have increased annually from 1997 to 2007.

According to various sources, this disturbing trend may be the result of several factors—increased numbers of motorcyclists, larger and faster motorcycles and the failure of many riders to wear helmets. The number of states compelling helmet use has declined since 1975. Currently, only 20 states have laws compelling all riders to wear helmets. **Rhode Island law requires helmet use for a cyclist's first year of licensure and for motorcycle passengers.**

Statistics show that **52% of all fatally injured motorcycle riders were not wearing helmets**. The National Highway Safety Administration (NHTSA) estimates that in 2007, 1,789 lives would have been saved by helmet use. The most recent statistics available also show that 26% of motorcycle fatalities involved speeding, and 27% of fatal motorcycle accidents involved an operator whose blood alcohol level was over the legal limit. Older motorcyclists (age 40 or older) accounted for 50% of the fatal accidents.

Marasco & Nesselbush urges all motorcyclists to wear helmets and exercise caution on the roads. For valuable motorcycle safety tips, please contact the Motorcycle Safety Foundation at 1-800-446-9227 or visit their website: [www.msf-usa.org](http://www.msf-usa.org)

## Lyme Disease and Social Security Disability



Lyme disease, the most common tick-borne disease in North America, is an “infectious disease” that takes its common name from Lyme, Connecticut, where the illness was first described in 1975. Deer tick bites are frequently painless, and therefore infection can occur without a person realizing s/he has been bitten. Early signs of infection can include fever, headache, fatigue, depression and often a “bull’s eye” skin rash. Although Lyme disease can usually be treated quickly with antibiotics, if left untreated, the disease can involve the joints, heart, and nervous system. Even with treatment, some people continue to experience chronic, ongoing symptoms years after the infection occurred.

After several months, some untreated or inadequately treated patients may develop severe and chronic symptoms affecting the brain, nerves, eyes, joints or heart, and longer term Lyme disease can produce chronic neurologic symptoms in some patients. Lyme disease can also result in significant disabling symptoms (both physical and cognitive) and an inability to work.

Lyme disease can be vexing because its symptoms are similar to many other medical conditions. Because Lyme disease is difficult to diagnose and still poorly understood, many Lyme disease sufferers are unfairly denied disability benefits, despite their many disabling symptoms.

Marasco and Nesselbush has represented hundreds of clients who suffer from Lyme disease. We have built professional relationships with many area infectious disease specialists, and we have the skill necessary to obtain disability benefits for many clients as a result of careful, meticulous work. If you or someone you know is disabled by Lyme disease, please feel free to contact us.

### Malpractice Verdict - Continued from page 1

discharged the child, resulting in her death. The experts’ testimony submitted by Attorneys Marasco and Grimm was deemed more credible and established that the child had met her demise due to a simple, treatable infection. The Superior Court Justice was also impressed with evidence that the hospital corporation had apparently lost or otherwise failed to provide certain medical records which were under their control. The parents were awarded nearly a million dollars.

While we are deeply saddened by this child’s death, which was preventable, our firm was particularly proud and pleased to have litigated this complex medical malpractice case. The judge vindicated and exonerated the child’s parents and ultimately, the hospital and medical providers were forced to accept responsibility for their negligent actions. After being notified of the verdict, our clients provided the following statement:

“Marasco & Nesselbush fought for us for seven years. After a 5/12 week trial, we proved that the doctors and hospital were negligent. The lawyers cared for us, fought for us and justice was served!”

# LYME DISEASE: PROTECT YOURSELF

## How to Protect Yourself Against Lyme Disease

- Avoid areas with a lot of ticks. Ticks prefer wooded and bushy areas with high grass and a lot of leaf litter.
- Take extra precautions in May, June, and July when ticks are most active.

## Keep ticks off your skin

- Use insect repellent with 20% - 30% DEET on exposed skin and clothing to prevent tick bites. Permethrin is another type of repellent that kills ticks on contact. One application to pants, socks, and shoes typically stays effective through several washings. Permethrin should **not** be applied directly to skin.
- Wear long pants, long sleeves, and long socks to keep ticks off your skin.
- Tucking pant legs into socks or boots and tucking shirts into pants may help keep ticks on the outside of clothing.

## Check your skin, clothes and your pets for ticks every day

- Perform daily tick checks after being outdoors, even in your own yard.
- Inspect all parts of your body carefully including your armpits, scalp, and groin.
- If a tick is attached to your skin for less than 24 hours, your chance of getting Lyme disease is extremely small. But just to be safe, monitor your health closely after a tick bite and be alert for any signs and symptoms of tick-borne illness.

For more information, please visit  
[www.cdc.gov/ncidod/dvbid/LYME/ld\\_prevent.htm](http://www.cdc.gov/ncidod/dvbid/LYME/ld_prevent.htm)

### *Words to live by*

The quality of a person's life is in direct proportion to their commitment to excellence, regardless of their chosen field of endeavor.

*Vince Lombardi (1913-1970)*

# 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.

685 Westminster Street  
 Providence, RI 02903

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# We Thank You for Your Trust



## Facts and Stats...

### Providence ODAR: Hearing Request Processing Time

Nationally, the average time to process a Request for Hearing and to schedule the disability hearing is approximately 450 days. We are pleased to report that the Providence Office of Disability, Adjudication and Review (ODAR) ranks 12th in the nation with an average processing time of 347 days. Kudos to the hard-working judges and employees of the Providence ODAR.

### Dramatic Increase in Disability Applications

The Social Security Administration expects to receive 300,000 more disability applications in 2009 than it did in 2008. This will represent a 12% increase.

### One-Time Stimulus Payment for SSDI and SSI Beneficiaries

The recent recovery package signed by President Obama provides a one-time payment in May of 2009 of \$250 to almost all Social Security disability beneficiaries. People who are already receiving benefits need not do anything in order to receive this payment; it will be paid the same way benefits usually arrive (direct deposit or check).

### Social Security Administration to Expand Staff

In order to meet the demands associated with increased disability applications, nationwide, the Social Security Administration plans to hire 157 new judges, 840 new staff members, and 135 new appeals judges.

## OUR TEAM

### LEGAL ASSISTANTS

#### Social Security

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We are very proud of our legal assistants. 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.

*This spring, partner Joe Marasco, office manager Stephanie Galligan and several of our Legal Assistants took part in the Walk for Shelter to benefit Welcome House in Wakefield. Welcome House provides shelter and related services to many South County residents, and we are very proud to support their work!*

