



# 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.*

## Superior Court Litigation Results in \$275,000 Recovery

After aggressive litigation, Marasco & Nesselbush partner Joseph P. Marasco recently achieved a \$275,000 recovery for a client. The plaintiff broke his arm badly, requiring surgery and suffering permanent limitations as a result of a fall while entering his apartment. Our client fell on wet paint spilled by a contractor. Unfortunately, the property management corporation failed to exercise reasonable care in monitoring the work of the contractor. The defendants initially refused to compensate our client, arguing that he fell due to his own carelessness and wet shoes.

As in many slip and fall cases, the credibility of the plaintiff and key witnesses were crucial to the outcome. In this case, our client was

a young college graduate whose testimony was sincere. Partner Joseph P. Marasco uncovered and demonstrated numerous inconsistencies in the defendants' testimony. Ultimately, both the insurance company for the property management corporation and the painting contractor were compelled to compensate our client.

While our firm strives to achieve a prompt and equitable settlement of all cases, some accidents require court litigation and advocacy to achieve outstanding results. As always, when necessary, Marasco & Nesselbush is willing to go the distance, in or out of court, to achieve justice for our clients. For additional case highlights, please visit our website: [www.M-N-Law.com](http://www.M-N-Law.com).

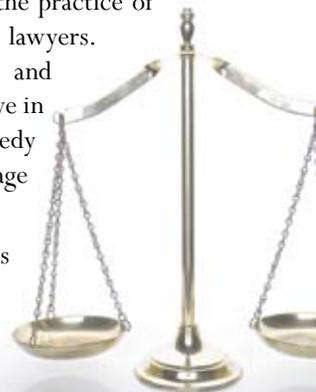
### MARASCO & NESSELBUSH

## Joseph P. Marasco Appointed to Board of Governors of Rhode Island Association for Justice

In June, 2010, Partner Joseph P. Marasco was appointed to the Board of Governors of the Rhode Island Association for Justice (RIAJ). Mr. Marasco, an active member of the organization for many years, was pleased to accept a leadership role in the organization's governance.

The Rhode Island Association for Justice promotes a fair civil justice system by working against powerful industry lobbyists who would like to limit the access of injured parties to the courts. RIAJ also seeks to educate the public, as well as governmental decision-makers, on these matters. Another goal of the organization is to improve the practice of law by furthering the education and training of Rhode Island trial lawyers. Continuing legal education, networking, sharing best practices, and mentoring programs help accomplish this goal. Finally, RIAJ is active in the community, providing *pro bono* representation programs to needy clients and distributing hundreds of free bicycle helmets to school-age children.

The mission of RIAJ is consistent with Marasco and Nesselbush's philosophy and advocacy on behalf of injured and disabled individuals. We fight for our clients, often against powerful interests such as insurance companies and the federal government.



## Attorney Tanya J. Garrian Appointed to Federal Judgeship

Marasco & Nesselbush is proud to announce that Tanya J. Garrian, Managing Associate of our Social Security Disability Division, has been appointed a federal Administrative Law Judge. “This is among the most prestigious appointments that a disability law attorney can attain,” noted Partner Donna M. Nesselbush. “In effect, it means that Attorney Garrian has moved from litigating cases on behalf of our clients to deciding the ultimate question of whether a claimant is disabled and deserves federal disability benefits. It’s a true testament to Attorney Garrian’s intellect, skills and judgment that she was selected for this position. We are certain that the Social Security Administration selected the right person for this job.”

“Nine years ago, I could not have imagined that I would become an Administrative Law Judge,” said Attorney Garrian. “However, my experience litigating hundreds of cases before other ALJs has taught me that people living with disabilities should be given fair, unbiased hearings at which all the available evidence presented is considered carefully before

a decision is reached. I believe that a disability determination should be made on the particular facts of each case. I have seen the painful effects of Social Security’s delays upon clients, and I hope to expedite the process for as many claimants as possible.”

Upon accepting her appointment, Attorney Garrian expressed her appreciation for the partners, attorneys, staff and clients of Marasco & Nesselbush. “I will always be grateful for the support and mentoring of Joe Marasco and Donna Nesselbush. I will never forget the importance of each case to each client I have had the privilege of representing. I am certain that the experience I have gained at Marasco & Nesselbush will make me a better Administrative Law Judge. I will miss Rhode Island, but I am truly looking forward to bringing my passion for justice for the disabled to a new level.”

We will greatly miss Attorney Garrian, but we are confident that she will soon be one of the best Administrative Law Judges in the nation.

Attitude is a little thing that makes a big difference.

~Winston Churchill

## Welcome House Hires Volunteer Coordinator... Thanks to Marasco & Nesselbush

Welcome House of South County, one of the primary resources for the homeless and families in crisis in southern Rhode Island, recently faced a dilemma. They had a unique opportunity to hire a volunteer coordinator if they could come up with the funds needed to pay for the position, but they had no available resources. Marasco & Nesselbush stepped forward to offer the firm’s support. “We are so excited and honored to have the support of Marasco & Nesselbush,” said

Welcome House Executive Director Linda Barden. “Their generous donation will provide a much-needed Volunteer Coordinator so that Welcome House can increase volunteerism, as well as schedule, interview, train and retain its volunteers. We can accomplish so much with just a bit of coordination, and we are really grateful for the firm’s investment in our work.” Welcome House provides emergency shelter, transitional and permanent housing, and a soup kitchen that last year served 16,500 meals. The organization notes that its volunteers are critical given that massive funding cuts have affected their operations.

A small investment by our firm will yield huge returns for Washington County residents. Our firm has an office in and strong ties to South County. We felt that this was one way we could assist those who are struggling every day. Welcome House is good for our clients, good for our community, and is an important resource for so many families in crisis. We are truly happy to provide this support.



## Rhode Island Judiciary Reduces Civil Court Caseload

During the past 11 months, the Rhode Island Superior Court has closed hundreds of civil cases that had been languishing for years on the court’s docket. Under Presiding Justice Alice B. Gibney’s guidance, the court’s docket has been reduced through the use of arbitration, settlement, dismissal and trial. Eight judges and numerous clerks all worked to resolve the old cases at a pace of nearly 20 per day, according to *The Providence Journal*.

Marasco & Nesselbush salutes Presiding Justice Gibney and retired Superior Court Justice Dominic F. Cresto for their excellent efforts to facilitate the process of justice. Too often, insurers or other parties representing defendants slow the process of litigation, needlessly delaying the outcomes for plaintiffs like our clients. People should not be made to wait for the fair and reasonable resolution of their cases. Justice Gibney’s actions have expedited many of these matters, and she has sent a message that Superior Court must be more responsive to the needs of litigants.

# SEASONAL SAFETY TIPS FOR *Autumn*



**NEW ENGLAND** is renowned for its autumn foliage. Every year, people flock to our region to enjoy fall harvest festivals, admire the turning trees, and participate in autumn sporting events. While most of us enjoy these activities, believe it or not, there are some things to think about as we focus on safety.

**LEAVES** can become driving hazards. Wet leaves are nearly as bad as ice when it comes to steering, braking or swerving. Beware of fish-tailing, difficulty stopping and losing control of a vehicle. Dry leaves in piles can conceal dangerous road hazards—curbs, solid objects, or potholes—and these hazards may cause an accident or damage to your vehicle. Leaves can also be slip and fall hazards for pedestrians.

**CAR MAINTENANCE**—or failure to maintain your vehicle—can result in danger. Maintenance is especially important in autumn and winter. The Car Care Council ([www.carcare.org](http://www.carcare.org)) recommends that motorists should make sure that tires have good treads, replace wiper blades, and check anti-freeze. Bald tires and poor visibility are believed to contribute to a significant number of accidents.

**CARBON MONOXIDE** poisoning slowly deprives your body of oxygen, and you may not even know it's happening. Non-electric furnaces, engines, motors, space heaters, and even fireplaces can emit carbon monoxide, an odorless gas that can kill without warning. For your family's safety, be sure to install carbon monoxide detectors throughout your home, especially in areas where your family sleeps and where there are major at-risk appliances (such as gas or oil furnaces and fireplaces). Carbon monoxide detectors are inexpensive and available at all major hardware stores. For more information about carbon monoxide poisoning, please visit <http://www.cdc.gov/co/faqs.htm>.

Replace your **SMOKE DETECTOR** batteries twice yearly, whenever you turn your clocks back or forward. This is easy to do and it could save lives.



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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# We Thank You for Your Trust



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## SOCIAL SECURITY FACTS AND STATS...

### Did you know that one in five Rhode Islanders collects Social Security?

As of this summer, a total of 200,202 Rhode Islanders are collecting Social Security benefits. According to *The Providence Journal*, "the program distributes more than \$215.8 million each month to Rhode Island beneficiaries, whose monthly benefits average about \$1,078 apiece."

This includes:

133,026	retired workers
32,963	disabled workers
15,216	children collecting benefits based on the record of workers who are retired, disabled or deceased
13,419	widows and widowers
5,578	spouses collecting benefits based on the record of workers who are retired or disabled

*(Source: Record Number in Rhode Island Receiving Social Security Benefits, The Providence Journal, July 26, 2010)*

## OUR TEAM

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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.

### Client Testimonial

"I wish to thank you so much for all you did, the great work and care you gave my case. You have a great firm and team of workers. I will recommend your firm to all my friends, family and neighbors. It was a pleasure to work with your firm."

*Note from Client, September 2010*