



## January News from Jimerson & Cobb



One of the many wonderful things about the Holidays is the infectious spirit of compassion and gratitude that seems to wrap around the world. For a time, people forget their differences and bask in the warm glow that only selfless acts of kindness can bring. Many write thank you notes to express their appreciation for gifts they have received, and on December 26th, we decided to do the same in typical J&C fashion - with humor.

Those who watch the Tonight Show will be familiar with Jimmy Fallon's weekly sketch where he writes out thank you notes to everyone and everything, from Beyoncé to Listerine Breath Strips:



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## Business Spotlight:



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Because we like to keep things fun here at the office, to celebrate National Thank You Note Day, we decided to record some of our own Fallon-esque thank you notes. You'll probably note that some of our attorneys filmed their thank you notes on our ugly sweater day. Yes, we are law nerds, but even us law nerds don't dress like elves during business hours.



All humor aside, while Fallon's "thank yous" may be facetious in nature, I think there is something to be said for the ability to find the positives in any situation, and not taking the little things in life for granted.

At the start of a new year, we often reflect upon the year that has passed and also look forward to what lies ahead. We make plans and set goals for improvement, and commit to ensuring that our resolve to achieve said goals will last. As we push on into 2017, my wish for you all this year is that you will take nothing for granted and live every day as if it is a fresh start. You don't have to wait for a new year to start over, work harder, or be kinder. My hope is that you will take the Jimmy Fallon approach to life - that is, give thanks not just for the big blessings, but also for the little ones, and know that temporary setbacks can also be blessings in their own right. Every day is a second chance, and I hope that you will make the most of each one.

Wishing you all a happy and prosperous new year,

*Charles B. Jimerson*

Charles B. Jimerson

As a world leader in the production of high-tech batteries for industrial use, it is Saft's mission to provide customers on land, sea, and "the final frontier" with traditional and next-generation batteries tailored to their needs. Saft also provides multiple support services to ensure that their customers receive the best value for their investments. Among these services are battery sizing and configuration, installation and commissioning, e-supervision, and meter life analysis.

Jimerson & Cobb is proud to work with [Saft](#), and wishes them continued success throughout the year.

## Cobb Article Featured by Florida Bar Construction Law Committee



Last month, founding partner Christopher Cobb had an article featured in *CONSTRUCTive Talk*, the Florida Bar's Construction Law Committee newsletter. The article, originally posted to our Florida Construction Industry Law Blog last June, was regarding important updates and changes to the Florida Homeowners' Construction Recovery Fund.

Chris is Board Certified in Construction Law by the Florida Bar and was recently elected chair of the Florida Construction Industry Licensing Board. To read his article in its entirety, click [here](#).

## Check Out Our Blogs

Are you signed up to receive any or all of our blogs? If not, please click [here](#) to sign up.

- [Florida Construction Industry Law](#)
- [Florida Condominium Law](#)
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Sign up to receive one or all three via RSS feed or email through each site! Following are some of the highlights from recent postings.

## Florida Construction Industry Law Blog



## **Florida Construction Liens: Is the Lien Fraudulent?**

By: [James O. Birr, III, Esq.](#)

Florida construction lien law allows certain parties who perform construction work to record construction liens if they are not paid. A construction lien is proper when a lienor has not been paid for labor, services, materials or other items furnished in connection with a construction project. Sometimes, however, when a construction lien is recorded, an owner or contractor, subcontractor or sub-subcontractor may argue the construction

lien is fraudulent. A party that records a fraudulent lien can be subject to punitive damages, attorneys' fees, and felony charges.

Click [here](#) to read the full blog post.

## **Condition vs. Unconditional Payment Bonds in Florida**

By: [Christopher M. Cobb, Esq.](#)

Click [here](#) to read the full blog post.

## **What Are Consequential Damages on a Construction Contract?**

By: [Charles B. Jimerson, Esq.](#) and [Kayla A. Haines, Esq.](#)

Click [here](#) to read the full blog post.

## **Florida Condominium Law Blog**



## **Can a Condominium Association Face a Second Foreclosure Suit?**

By: [Adam B. Edgecombe, Esq.](#)

The Florida Supreme Court's recent decision in *Bartram v. U.S. National Bank Association* is instructive for condominium associations and community managers dealing with a unit in foreclosure, including those trying to determine whether or not to appear and defend a foreclosure by the lender, even though it does not deal directly with a condominium or the Florida Condominium Act.

Click [here](#) to read the full blog post.

## **Community Development Districts in Florida: General Considerations**

By: [Christopher M. Cobb, Esq.](#)

Click [here](#) to read the full blog post.

## **Requirements for Contracts Entered Into by Florida Condominium Associations**

By: [Christopher M. Cobb, Esq.](#)

Click [here](#) to read the full blog post.

## **Florida Business Litigation Blog**



## **The Apex Doctrine: What Is It and How Does It Affect Companies?**

By: [Adam B. Edgecombe, Esq.](#)

While a case is being litigated, the Florida Rules of Civil Procedure provide that a party may take the deposition of any person. When deposing a corporate party on general issues, the business designates a corporate representative to speak for it. However, parties deposing corporations, in all variety of cases, will sometimes demand that the president, CEO, or another high-ranking official sit for deposition. These employees are commonly referred to as "apex employees." Obviously, these high-ranking officers of the company will sometimes have information relevant to the case. However, sometimes a party will seek to depose an opposing party's apex employee simply to inconvenience and/or harass him, or in order to gain a tactical advantage: the officer may have to disrupt a busy schedule, or may have to travel a great distance at a substantial cost. The deposing party may also try to somehow embarrass the officer, which could potentially damage the company.

Click [here](#) to read the full blog post.

## **Loan Participation Agreements: Contract Drafting Perspectives for the Lead Bank**

By: [Charles B. Jimerson, Esq.](#) and [Brandon C. Meadows, Esq.](#)

Click [here](#) to read the full blog post.

## **Key Considerations in Hiring an Employee Subject to a Non-Compete: Part II**

By: [Kayla A. Haines, Esq.](#) and [Brandon C. Meadows, Esq.](#)

Click [here](#) to read the full blog post.

## **Florida Eminent Domain Law Blog**



## When Government Actions Rise to Inverse Condemnation Claims

By: [Hans C. Wahl, Esq.](#)

Eminent domain is a legal proceeding brought by the government, or an entity acting on behalf of the government, where the government actor asserts its authority to condemn private property for public use. *Lingle v. Chevron*, 544 U.S. 528 (2005). Under the U.S. and Florida Constitutions, the government can take private property only in limited situations and must pay the private property owner just compensation for the land it takes.

But what happens when there is a de facto governmental taking of private property without any eminent domain proceedings and no just compensation paid to the property owner? What recourse does the property owner have after-the-fact? The available remedy is called inverse condemnation.

Click [here](#) to read the full blog post.

## Eminent Domain in Florida: Recovery of Attorney Fees

By: [James O. Birr, III, Esq.](#)

Click [here](#) to read the full blog post.

## Riparian Rights in Florida: The Right to Accretions and Relictions

By: [Christopher M. Cobb, Esq.](#)

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## Firm News

Curiosities, ruminations and various eccentricities of firm biz.



## Deck the Halls Like Clark Griswold

For many, one of the best parts of the holiday season is the opportunity to do some redecorating. There's always that one house on the street that goes above and beyond to dazzle the world with their Christmas cheer - or maybe there are two, duking it out to be crowned the most festive home on the block. This year, J&C decided to bring some of that Holiday Spirit-ed competition to the office with our own Griswold Decorating Contest.

The objective of the contest was to emulate the style of decoration used by the Griswold family in *National Lampoon's Christmas Vacation*. (For those who haven't seen the film, their house is pictured below.)



While for others, such a challenge might have been daunting, as per usual, our team rose to the occasion. We tapped into our inner Griswolds and transformed the J&C office into a winter wonderland.

After the decorating process was over, we all took a grand tour to decide who had the best decorations. In the end, however, the grand prize ended up going to Austin for his reenactment of a scene from the movie. Feel free to check out our decorations below and let us know which ones are your favorites!





















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