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JIMERSON & COBB, P.A.

Client focused. Results driven.

July News from Jimerson & Cobb, P.A.



For the love of everything holy, is it football season yet? I have nothing else to say.

Very Truly Yours,

[Charles B. Jimerson, Esq.](#)

J&C shareholder featured as expert in local news story



Attorney Christopher Cobb was featured in a First Coast News story that aired on June 29. In light of the recent tropical storm that hit our area, the

July 2012

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piece focused on how to spot water damage in vacant homes for sale. Cobb gave tips to buyers to protect their interests and pocket books while looking to purchase a new home.

To read more and view the news clip, click [here](#).

Featured bLAWg Post: Combating the Ever Increasing Cost of Experts in Litigation

By: [Matt F. Havice, Esq.](#)

As the cost of litigation continues to rise, especially the costs associated with retained experts, it becomes more and more imperative to use all means available to limit the costs attributable to your clients whenever possible. If you have been involved in litigation for any length of time, either representing defendants or plaintiffs, it is likely you have had opposing counsel point to the ever increasing costs of the experts you will be required to retain throughout the litigation. It is more likely still that opposing counsel has threatened to require reports from each expert and depose the experts, continuing to increase the costs of litigation that you or your client will be forced to cover. Many times these tactics are used to force early settlement by clients or firms that are unable front the costs associated with retained experts in litigation. When you are confronted with these situations, you and your clients will be well served by Florida Rules of Civil Procedure 1.280 and 1.390.

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

Additional bLAWg Posts

IS IT POSSIBLE TO COMPEL THE APPEARANCE OF AN OUT OF STATE EMPLOYEE OF THE OPPOSING PARTY'S COMPANY AS A WITNESS AT TRIAL?

By: [Charles B. Jimerson, Esq.](#)

In commercial litigation, it is very common that the corporate designee at trial is not a particularly insightful factual witness. When the factual witnesses at trial are employees of an opposing party that is headquartered out of state, this often puts you in a position where you are taking "trial depositions" and reading transcripts at trial. As you can imagine, this does not have the same effect that a live witness does, but is there a way around it?

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

QUALIFYING AN EXPERT WITNESS IN FLORIDA

By: [Charles B. Jimerson, Esq.](#)

An expert witness is an individual that is authoritative in their particular field and able to assist the finder of fact in reaching a conclusion at a trial. Aside from discerning whether the potential expert witness is someone who can make some sort of impact on the case and present well to a fact finder, it is important to know what is required in order to have that expert presented to the fact finder for evaluation of the expert opinion. This post describes the law and methods utilized in qualifying an expert witness in Florida.



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Client Focus



[The Tim Tebow Foundation](#) was envisioned by Tim while an undergraduate at The University of Florida (UF). His desire was to launch the Foundation even as a college student but NCAA regulations for athletes prohibited him from doing so. Instead, Tim, along with several other UF students, launched First and 15 under the auspices of the Office of Student Government and with NCAA approval.

First and 15 allowed Tim to mobilize hundreds of students on campus and UF boosters

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

METHODS OF MOVING A STAGNANT BANKRUPTCY ACTION TOWARDS COMPLETION

By: [Kelly A. Karstaedt, Esq.](#)

Have you ever represented a creditor in a bankruptcy action where the debtor and/or the debtor's attorney seem to be dragging their feet in moving the action forward? In these situations, it may feel like your client will never see relief for its claim. However, there are multiple methods of jump-starting movement in the action. All you have to do is file the right motion based on the facts of the case. This article will provide a non-exhaustive list of potential avenues that can be used to get a stagnant bankruptcy action moving again.

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

FLORIDA'S BANKING STATUTE OF FRAUD SECTION §687.0304 WEEDS OUT FRIVOLOUS BORROWER CLAIMS

By: [Charles B. Jimerson, Esq.](#)

Florida's Banking Statute of Frauds was enacted in order to curb a 1980s trend of increasing lender liability lawsuits. The enactment of this statute has made it difficult for Plaintiffs to maintain tort-based claims that might otherwise flow from the written loan documents. Typically, such claims involve oral promises pertaining to breach of an oral commitment to lend, breach of an oral agreement to refinance an existing loan, breach of an oral agreement to forbear from enforcing contractual remedies, or breach of an oral agreement to take certain actions in connection with the underlying loan. By requiring that loan documents be in writing for a borrower to sue a lender on those types of claims, the Banking Statute of Frauds prevents borrowers from pursuing claims based upon oral representations or understandings. The effect of the Banking Statute of Frauds is to bar tort claims that otherwise may have been colorable under common law.

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

**J&C Service Spotlight:
Trade Secret Law**



Trade secrets are loosely defined as proprietary or confidential information used in a business. The secret must have monetary value or provide the owner with some type of competitive advantage. Businesses must be very careful to maintain an element of secrecy by taking reasonable precautions, such as the use of confidentiality or non-compete agreements, before proposing the secret idea to a potential buyer, investor, employee, or other person. A company may spend a great deal of time, effort and resources developing client or potential client lists, manufacturing processes, industrial and technological information, product or processes specifications, business strategies and marketing plans - priceless information that is not available to the general public. When this information is illegally shared with competitors, it can cause permanent

for a number of important charities. It raised funds for Uncle Dick's Orphanage in the Phillipines and Shands Hospital pediatric cancer center in Gainesville. It supported a special Disney trip for disadvantaged children and gave birth to other exciting projects.

Upon finishing his four years as a collegiate athlete, he immediately launched the Tim Tebow Foundation in January 2010.

The four primary initiatives of The Tim Tebow Foundation are:

- The W15H program
- Partnering with CURE on an International Children's Hospital Construction Project
- Timmy's Playrooms
- Financial support of Uncle Dick's Orphanage

Jimerson & Cobb is very proud and thankful to represent the Tim Tebow Foundation and wishes it continued success and growth throughout 2012.

Results Driven

*Jimerson & Cobb attorneys obtained a full balance payment on a judgment entered against a prominent Alachua County roofing company.

*Jimerson and Cobb attorneys filed action for violation of building code and negligence on Neptune Beach townhouse.

*Jimerson & Cobb attorneys obtained a favorable settlement at mediation for client corporation and individual guarantor in eviction and breach of lease matter brought by commercial landlord through

damage to business interests. Attorneys at Jimerson & Cobb have counseled and represented employers and employees in disputes involving trade secrets, non-compete and non-solicitation agreements, the employee duty of loyalty, and all aspects of trade secret litigation, including:

- Preparing agreements and other documents with corresponding policy implementation procedures that allow employers to protect valuable information and customer relationships
- Breach of non-compete, non-solicitation, and/or non-disclosure agreements
- Misappropriation of trade secrets and seeking temporary and permanent injunctions to prevent the immediate use of trade secrets
- Counseling employers who are hiring employees as well as those who have employees departing, and advising individuals through the process of transitioning from one employer to another
- Tortious interference with business or contractual relationships

For more information about our practice, or to discuss your legal concerns with a lawyer who understands trade secret law, [contact](#) our offices today.

Industry News

ABA: ONLY 55 PERCENT OF LAW SCHOOL GRADS FIND FULL-TIME JOBS

The struggles faced by recent and perspective law school graduates continue to mount as The American Bar Association reports less than 60 percent of 2011 law school graduates were able to [find full-time, long-term jobs](#) requiring bar passage.

FLORIDA COURTS TO DITCH PAPER AND GO ELECTRONIC

Recent changes to rules regarding electronic service of pleadings are just the beginning. Florida courts are [expected to be paperless](#) by the end of 2013.

YEA! HOME PRICES HITTING BOTTOM. NOW, THE BAD NEWS.

With signs of the downward spiral of home prices finally slowing, this may be remembered as the best buyers' housing market since the post-war baby boom. However, those trying to sell their homes are facing ever increasing difficulties and should keep these [helpful tips](#) in mind.

JPMORGAN'S BOTCHED TRADES MAY GENERATE \$7.5 BILLION LOSS

Despite initial estimates of a \$1.7 billion loss at J.P Morgan, botched trades may result in losses [exceeding 7 billion](#).

EFFECTIVE MANAGERS EARN TRUST QUICKLY BY DOING 5 THINGS WELL

Five things [effective managers](#) do well to gain the trust of employees.

JACKSONVILLE RANKS NO. 20 AMONG NEW FORECLOSURE CAPITALS

On the First Coast, one out of every 332 homes is in foreclosure, ranking it 20th on Forbes' list of the [Twenty Newest Foreclosure Capitals](#).

PLASTIC DRESS-UP EXPANDING TO JACKSONVILLE'S WESTSIDE

use of constructive eviction counterclaim.

*Jimerson & Cobb attorneys successfully moved for relief from an automatic bankruptcy stay in order to foreclose on real property located in Clay County.

*Jimerson and Cobb attorneys filed action for construction lien foreclosure on private educational institute property.

*Jimerson & Cobb attorneys obtained full settlement and attorneys fees for commercial maintenance client from property manager after filing suit for breach of contract and open account.

*Jimerson and Cobb attorneys filed action for recovery of commercial construction equipment.

*Jimerson & Cobb attorneys filed emergency injunction motion in order to prevent competing employee from misappropriating trade secrets. Thereafter negotiated profitable settlement of claims in favor of aggrieved employer.

*Jimerson and Cobb attorneys retained to arbitrate matter surrounding damage to property during commercial move.

*Jimerson & Cobb attorneys obtained desired client result for hotel owner at mediation of million dollar construction defect dispute.

*Jimerson and Cobb attorneys deposed corporate representative of party in commercial vehicle dispute.

*Jimerson & Cobb attorneys obtained favorable resolution for employer accused of Fair Labor Standards Act violations.

*Jimerson and Cobb attorneys

A California-based distributor of award and trophy products is expanding to Jacksonville. [Plastic Dress-Up](#) just agreed to lease 47,000+ feet of industrial space on Jacksonville's Westside. .

DUVAL CLERK OF COURTS WOULD CASH IN BIG IF ELECTED TO ANOTHER TERM

Duval County Clerk of Courts Jim Fuller stands to earn nearly \$470,000 in [additional state retirement benefits](#) if he is re-elected to a fourth term for which the city's top attorney says he is not eligible.

RETENTION OF CITY TEXT MESSAGES ON HOLD

Jacksonville's plan to [retain city employees' text messages](#) on work phones is on hold, for now. The city's General Counsel, Cindy Laquidara, is reviewing the current law to determine if saving the text messages is required comply with Florida's Sunshine Law.

CANADY: COURT FUNDING IS BETTER, BUT THERE IS STILL WORK TO BE DONE

Funding for Florida's court system is improving after last year's massive cuts to county clerks' budgets across the state. Chief Justice Charles Canady, however, notes that the [system is still underfunded](#).

J&C Firm News

*J&C is excited and proud to host a fundraising reception for Duval County Clerk of the Circuit Court candidate Ronnie Fussell. The event will be held at our offices on Monday, August 6, from 5:30 p.m. to 7:30 p.m. We invite you to attend and support Ronnie. Click [here](#) to view the event flyer.

*In connection with the rollout of the new website, J&C will be announcing the development of its Administrative Law and Licensing practice area. The Administrative Law and Licensing practice group will serve Jimerson & Cobb clients in issues they may have with licensing or representation in front of governmental boards. Be sure to check out the new website for more information on this practice group.

*J&C summer law clerk, Rachel Heidenberg, spends a week each summer volunteering at Camp Happy Days, a camp for children with cancer and their siblings. The picture below shows Rachel with some of her campers just before camp prom. This is Rachel's 17th year at camp. J&C is very proud of her and her work at Camp Happy Days!

negotiated with public body for recovery of construction costs of restaurant.

*Jimerson & Cobb attorneys advised public officials regarding interpretation of election laws.

*Jimerson and Cobb attorneys filed action for local developer for fraud and misappropriation of escrowed funds.

*Jimerson & Cobb attorneys wrote construction contracts for California company performing Florida construction services.

*Jimerson and Cobb filed memorandum in federal court in opposition to reconsider prior court order.

*Jimerson and Cobb attorneys obtained consent judgment on insurance agent commission dispute.

*Jimerson & Cobb attorneys assisted lender in documenting sale of commercial paper on loan pool to purchasing lender.

*Jimerson and Cobb attorneys filed answers for condominium association in lender foreclosure actions.

*Jimerson & Cobb attorneys represented non-profit foundation in negotiating confidentiality and non-disclosure agreements for private transactions.

*Jimerson and Cobb attorneys settled action surrounding coating work at waste water treatment facilities.

Join Our Mailing List!



*With the voting period officially open to nominate lawyers for the 2013 Super Lawyers list, we encourage you to go [here](#) to nominate a deserving fellow attorney for the prestigious list.

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