



JIMERSON & COBB, P.A.

June News from Jimerson & Cobb



As many of you know, we recently moved our offices from Riverside to downtown Jacksonville. We are excited about our new location and love our new view of downtown and the river.

Our move reminded me of my early years as a lawyer, working in downtown Jacksonville. It also reminded me of the importance of having a mentor during those early years of my career and to say thanks to that person for helping to positively shape my career. My mentor has and always will be my father.

A mentor is defined as a trusted advisor, counselor and teacher. A good mentor is patient, a good listener, leads by example and offers sound advice when solicited. No matter the profession, I love stories about how a person became successful or conquered adversity through the tutelage and guidance of a mentor.

Recently, I learned that legendary golfer Ben Crenshaw is a mentor to PGA Tour superstar, Jordan Spieth. No doubt Crenshaw's mentoring and vast knowledge of the Augusta National golf course and its treacherous greens helped Jordan Spieth win the Masters this year (and become the second youngest Master's champion in history at the age of 21). While having a good mentor is not critical to success, it definitely helps.

My mentor, a lawyer for over 45 years, taught me that practicing law is a never-ending learning process, filled with lots of hard work. He also taught me that in life and in the practice of law, listening is far more important than talking. Finally, he helped me push ahead and stay focused and

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positive in tough times. All of these mentoring moments helped to shape the person and lawyer I am today. Thanks, Dad.

Who are the mentors in your life and how did they help shape your career? What opportunities do you have to serve as a trusted advisor and counsel to a friend, loved one, or co-worker?

Cheers,
[James O. Birr, III](#)

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J&C Moves to Wells Fargo Center

We recently moved our office downtown to the Wells Fargo Center. Downtown Jacksonville is undergoing a redevelopment renaissance as businesses, visitors and residents realize the excitement to be found at the heart of the 'River City.' We are excited to be a part of this movement and thankful to live and work in such a wonderful city.

Same Great Legal Minds, New Office Location



Please take note of our new address:

Wells Fargo Center
One Independent Drive, Suite 1400
Jacksonville, FL 32202

5 Things You Need to Know About New Partner Brad Hughes



In our last newsletter, we introduced you to our newest partner, Brad Hughes. To help you get to know him a little better, we asked him to give us 5 fun facts about himself:

1. He loves to play golf but is frequently (almost always) beaten by his 8-year-old son.
2. His wife, Rachel, worked in the HR department of the law firm, Greenberg Traurig, to support him while he attended law school.
3. Prior to attending law school, he worked at Merrill Lynch and had a stock broker's license. While at Merrill Lynch, he had the chance to work with their ERISA (Employee Retirement Income Security Act) attorneys and enjoyed the work that went into the drafting and planning of the 401(k) plans. He initially thought he would be an ERISA or tax attorney, but chose to focus his practice on business, real estate, construction and commercial litigation.
4. He is a huge soccer fan and played soccer from the age of 5 to 30. He was planning to play at University of South Alabama but met his wife five months before he was supposed to leave for college and decided to stay home and attend to UNF. He counts that as the best decision he has ever made.
5. His first trial was over a horse... yes, a horse. His client owned a horse but unfortunately was not providing it with adequate care. The client's neighbor called animal control repeatedly over the animal's mistreatment. When animal control did nothing, the neighbor decided to take matters into their own hands and stole the horse. The court found in a replevin action the horse needed to be retained; however, the neighbor asserted she was entitled to reimbursement for the medical care and food she provided. The court applied the "rescue doctrine" and stated that because the horse was in need of rescue his client couldn't refuse to pay for necessary medical care and food. Though it was not a proper application of the law, it was the correct moral decision.

Charlie Jimerson Elected to the Jacksonville Bar Association Board of Governors



Partner Charles Jimerson has been elected to the Jacksonville Bar Association Board of Governors. Charlie was the only non-incumbent to be elected to the board and is honored to serve and promote this organization.

With 2,000 members, the Jacksonville Bar Association is the largest legal organization in Northeast Florida, and is dedicated to promoting professionalism, serving the legal needs of the community, strengthening relations between the bench and the bar, and fostering

camaraderie among its members.

Charlie has several goals for the JBA, including strengthening city, state, and organizational partnerships to benefit the community and ensuring the organization continues to focus on serving members and training the next generation of lawyers.

J&C Blogs

As we continue to promote our three separate blogs, we will feature several of our favorites in an email each quarter.

- [Florida Construction Law](#)
- [Florida Condominium Law](#)
- [Florida Business Litigation](#)

Sign up to receive one or all three via RSS feed or email through each site! We hope this regrouping will help our readers better find what they're looking for.

Florida Construction Law Blog

Florida's 2015 Legislative Session: Impact To The Construction Industry

By: [Austin B. Calhoun, Esq.](#)

The Florida Legislature's 2015 Regular Session is complete. This blog addresses the bills, which passed, that we think have the greatest impact on the construction industry.

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

Construction and Design Claims: Beware of the Statute of Limitations and Repose

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

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

Florida Condominium Law Blog

Why Community Associations Cannot Afford To Ignore Lender Foreclosure Actions: Part V

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

This blog post is part V in a series of posts discussing why community associations cannot afford to ignore lender foreclosure actions. This fifth and final post in the series explains when an association should initiate its own foreclosure action depending upon the status of the lender's action.

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

Aging Populations and Multiple Generations in Community Associations

By: [Christopher M. Cobb, Esq.](#) & [Brittany N. Snell, Esq.](#)

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

Florida Business Litigation Blog

Protecting Your Business From the Florida Deceptive and Unfair Trade Practices Act Or Other Consumer Class Action Claims

By: [D. Brad Hughes, Esq.](#)

An agreement to arbitrate, which contains a class action waiver, can be an effective tool to help prevent small or moderate consumer claims from becoming class action lawsuits. Class consumer litigation, particularly that utilizing the Florida Deceptive and Unfair Trade Practices Act (hereinafter "FDUTPA"), has become en vogue over the last several years. As these types of class claims become more popular, it is more important to properly protect your business with well drafted agreements. It is also important to ensure that none of your agreements, if multiple agreements are necessary to complete a transaction, have conflicting terms.

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

Determining Ownership Within Boundary Disputes Part IV: Litigating Unrecorded Land Claims

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

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

Determining Ownership Within Boundary Disputes Part III: How To Determine Whether You Own The Water You Live On

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

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

Determining Ownership Within Boundary Disputes Part II: Information Used To Prove Proper Ownership

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

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

Determining Ownership Within Boundary Disputes Part I: An Overview Of Claims Available And Analysis Of Elements Required To Prove Those Claims

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

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



Interested in reading more blog posts? Subscribe via [RSS Feed](#) or via [email](#) for one or all of our blog feeds. You can also peruse our archives [here](#).

Results Driven

Community stewards by night; see what we do for our clients in our day job.

<p>*Facilitated closure of dental practice started by competing former dentist in violation of non-competition agreement.</p>	<p>*Successfully obtained injunction against HOA, after several years of litigation and one day of trial, requiring HOA to comply with SJRWMD permits.</p>	<p>*Conducted multiple third party fact and records custodian depositions in multi-million dollar arbitration.</p>
<p>*Defended custom home builder client in final arbitration hearing resulting in an arbitration award in favor of client and awarding all deposits held by client as liquidated damages.</p>	<p>*Assist a condominium association in receiving a settlement for the full amount of past-due assessments, interest, late fees, and attorneys' fees.</p>	<p>*Prepared case management order in construction and design defect case.</p>
<p>*Filed a demand for arbitration on behalf of a condominium association against the developer for construction defects. The demand is in excess of \$1 million.</p>	<p>*Drafted note and mortgage modifications for work-out of a complex commercial loan on behalf of a regional bank.</p>	<p>*Negotiated a stipulated order requiring opposing party to sequester rents or be subject to contempt.</p>
<p>*Engaged to defend realtor in regulatory action seeking license revocation.</p>	<p>*Engaged to represent party favor manufacturer accused of contract breach and copyright violations.</p>	<p>*Filed complaint to challenge ad valorem tax assessments on real property valued in excess of \$1.5 million.</p>
<p>* Advised licensed contractor on setting up a joint venture relationship with a developer.</p>	<p>*Prepared and filed motion to dismiss complaint in premises liability case.</p>	<p>*Completed negotiation of Operating Agreement to successfully conclude multi-year litigation arising from an attempt to disenfranchise a member in an LLC from their rightful membership interest.</p>
<p>*Retained to represent a condominium association in an eminent domain/inverse condemnation claim.</p>	<p>*Prevailed on objection to discovery subpoenas sought to elicit confidential information in banking negligence action.</p>	<p>*Foreclosed on collateral on behalf of lender.</p>
<p>*Engaged to represent community association with eminent domain issue concerning federal government's taking of land for natural gas pipeline.</p>	<p>*Engaged to represent owners against condo association for board's violation of declaration and Florida Condominium Act.</p>	<p>*Assisted large general contractor in resolving bonding dispute and ensuring general indemnity compliance.</p>
<p>*Drafted Motion to Dismiss for Lack of Personal Jurisdiction on behalf of a foreign corporation sued in Florida.</p>	<p>*Provided expert opinion regarding effective date of corporate dissolution in legal malpractice action.</p>	<p>*Drafted opinion letter for condo association on establishing and funding reserve accounts for various common elements.</p>
<p>*Attended mediation involving federal construction project.</p>	<p>*Obtained favorable settlement on behalf of national franchisor in suit to enforce payment of royalty fees and non-</p>	<p>*Obtained settlement on lien claim for roofer client in excess of principal lien.</p>
		<p>*Engaged to represent a business alleged to have</p>

*Successfully settled large assessment dispute, which included substantial claim for attorney's fees.

competition terms of franchise agreement.

infringed on a federally registered copyright.

*Retained to defend a business in an overtime FLSA claim.

Client Focus: Enduris

A monthly feature on one of our valued clients.



Enduris has been manufacturing and distributing american made professional quality PVC fence, deck, and railing products since 1998.

Enduris extrudes, manufactures, and distributes vinyl profiles for fence, deck, and railing industries. They offer capped cellular PVC decks; security/privacy fencing, picket fencing, posts and rails for pastures or grand estates, and customized options; and vinyl railing systems for home's porches, decks, and balconies.

Jimerson & Cobb is proud to represent [Enduris](#) and wishes it continued success throughout the year.

Firm News

Curiosities, ruminations and various eccentric of firm biz.

New J&C Family Member

We're happy to introduce everyone to the newest member of the J&C family, Lil' Hickory! Whoever loses during our firm events throughout the year will have Lil' Hickory move into their office until the next competition. Not that spending time with this little guy is much of a punishment! We finally get to see how skilled our attorneys are at caring for pets. If something bad should happen to the little fella, the person whose watch the capital offense occurs on has to park on the top of the parking garage for the rest of the year.

We'll be keeping you updated on the adventures of Lil' Hickory on [Facebook](#) and in our following newsletters!

Fun Fact

The inspiration for Lil' Hickory's name comes from Andrew Jackson's nickname: Old Hickory. There's no better name for a Siamese Fighting Fish than the namesake of Jacksonville!



Office Warming Party & Gin Cocktail Tasting

To celebrate our first week in our new office, we held a happy hour to enjoy the new digs. Our internal get together coincided with National Gin Day, so we celebrated by sampling various gin cocktails and enjoyed some delicious appetizers from JJ's Bistro de Paris. We recommend trying them out if you have not eaten there. C'est délicieux!

The favorite cocktail of the group was the French 75 so we've included the recipe in case you'd like to have a swill!



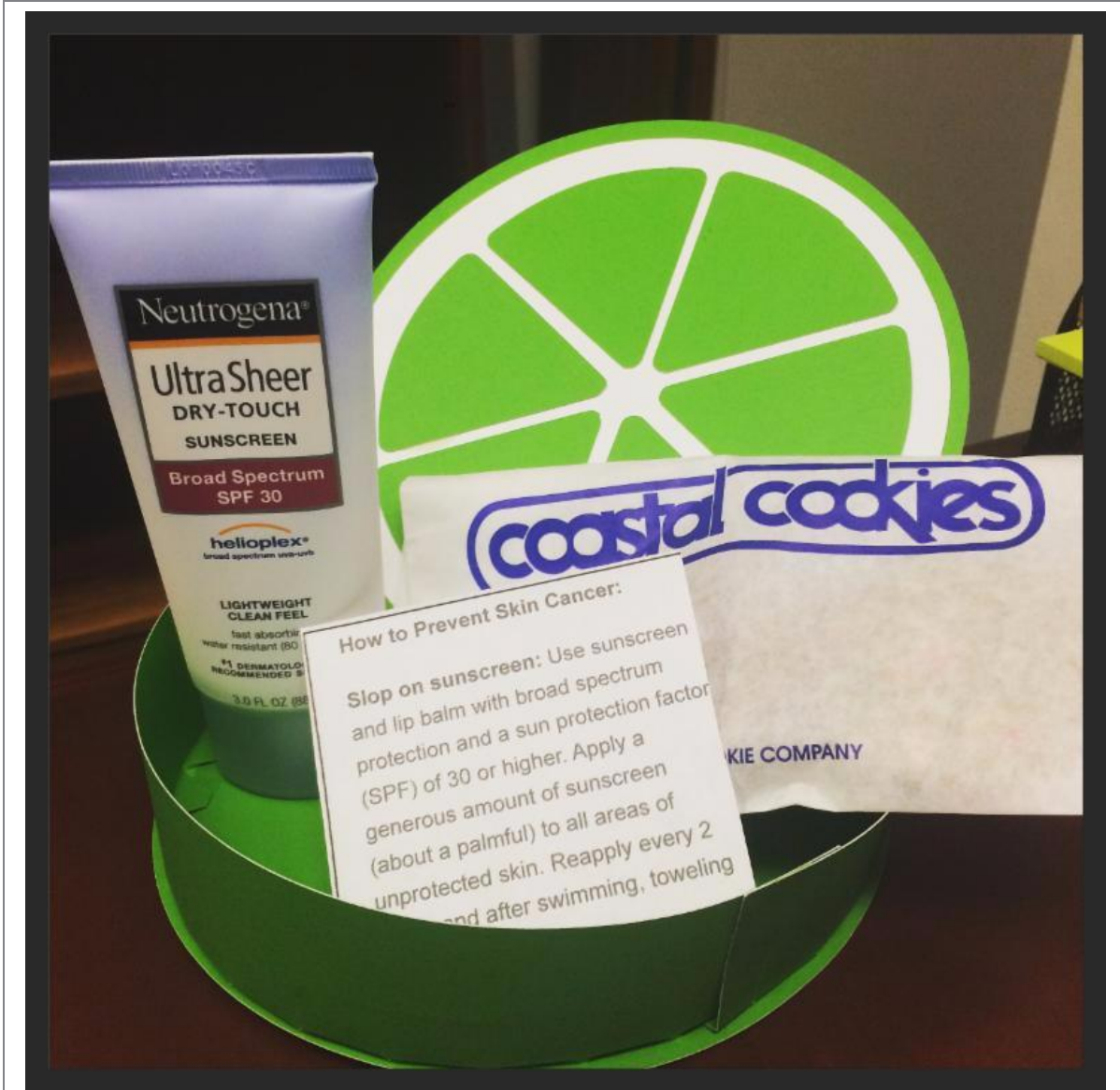
French 75

2 oz Gin
1 oz Freshly Squeezed Lemon Juice
2 tsp Sugar
Champagne

Fill cocktail shaker with ice. Add gin, lemon juice and sugar to the shaker and shake until well-chilled, about 15 seconds. Strain into a champagne flute. Top with champagne and enjoy!

National Sun Safety Week

In honor of National Sun Safety week (June 1-8), we gave everyone in the office a citrus gift box (handmade by our staff) with sunscreen, a fact about how to prevent skin cancer and some delicious cookies from the best cookie place at the Jacksonville Landing....because, well cookies are always a good idea!



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