

The content in this preview is based on the last saved version of your email - any changes made to your email that have not been saved will not be shown in this preview.



Client focused. Results driven.

May News from Jimerson & Cobb, P.A.



Inspired by my law partner's baseball introduction of last month, and in anticipation of the newest arrival to the Jimerson family (due any minute now), I think it is important to give you baseball loving dads a lesson on how to change a dirty diaper the old fashioned way. You see, it starts with you spreading the diaper in the shape of the diamond with you at the bat. Then fold second base down to home and set the baby on the pitcher's mound. Put first base and third base together, bring up home plate and pin the three together. Make more sense now? Of course, in case of rain you gotta call the game and start all over again. Get this down and you will be the king of your castle. Remember not to spend too much time applauding yourself though, king, for it will leave your groin unprotected. Toddlers have an uncanny ability to turn us men into sensitive creatures on many levels.

As ever,

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

J&C shareholder named to construction industry licensing board



May 2012

In this Issue

[J&C shareholder named to Florida construction industry licensing board](#)

[J&C shareholder named president of the First Coast chapter of the Risk Management Association](#)

[Featured bLAWg Post: When does a standard lender-borrower relationship become a fiduciary relationship imposing extra fiduciary duties?](#)

[Additional bLAWg Posts](#)

[J&C Service Spotlight: Breach of Fiduciary Duty and Business Torts](#)

[Industry News](#)

[J&C Firm News](#)

[Client Focus: Danis Building Construction Company](#)

[Results Driven](#)

Contact Us

Jimerson & Cobb, P.A.
Riverside Center
701 Riverside Park Place
Suite 302

Christopher M. Cobb, Esq., has been appointed to the Florida Construction Industry Licensing Board by Governor Rick Scott. His appointed term began April 25, 2012, will continue through October 31, 2013, and is subject to confirmation by the Florida Senate.

Chris has been assigned to preside over licensing issues for Division II Contractors. Division II has jurisdiction over the regulation of contractors defined in Florida Statutes 489.105(3)(d)-(q).

As a division of the Department of Business and Professional Regulation, the Construction Industry Licensing Board is responsible for licensing and regulating the construction industry. The board meets regularly to consider applications for licensure, review disciplinary cases and conduct informal hearings relating to licensure and discipline. Among other business, the board engages in rulemaking to implement the provisions set forth in its statutes.

Click [here](#) to read the release on the announcement.

J&C shareholder named president of First Coast chapter of the Risk Management Association



Charles Jimerson has been named president of the First Coast chapter of the Risk Management Association.

Founded in 1914, RMA is a not-for-profit, member-driven professional association, whose sole purpose is to advance the use of sound risk principles in the financial services industry. RMA promotes an enterprise approach to risk management that focuses on credit risk, market risk, and operational risk.

Visit the First Coast chapter [site](#) for more information or [contact](#) J&C managing attorney Charles Jimerson.

Featured bLAWg Post: When Does a Standard Lender-Borrower Relationship Become a Fiduciary Relationship Imposing Extra Fiduciary Duties?

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

In order to state a cause of action in Florida for breach of fiduciary duty, there must exist a fiduciary duty, a breach thereof, and resulting damages. *Gracey v. Eaker*, 837 So. 2d 348,353 (Fla. 2002). In *Doe v. Evans*, 814

Jacksonville, FL 32204
Phone: (904) 389-0050
Facsimile: (904) 212-1269
www.jimersoncobb.com
info@jimersoncobb.com



Firm Contacts

[Charles B. Jimerson, Esq. -
Managing Partner](#)

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

[Matthew F. Havice, Esq.](#)

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

Visit Our bLAWg

[The Jimerson & Cobb bLAWg](#) is a resource for news and analysis of current legal and business issues.

[Click this link below to sign up for Jimerson & Cobb bLAWg updates by RSS feed.](#)

[Click this link to sign up for Jimerson & Cobb bLAWg updates via email.](#)

Client Focus



Founded in 1916 by B.G. Danis, the [Danis Building Construction Company](#) (Danis) is a third-generation, privately owned corporation based in Dayton, Ohio. Danis serves the Midwest and Southeast regions of the country, specializing in public and private building and industrial projects.

Danis offers expertise in construction management,

So.2d 370 (Fla. 2002), a fiduciary relationship was characterized as follows:

If a relation of trust and confidence exists between the parties (that is to say, where confidence is reposed by one party and a trust accepted by the other, or where confidence has been acquired and abused), that is sufficient as a predicate for relief.

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

Additional bLAWg Posts

KEY SOURCES OF LAW IN FEDERAL CONSTRUCTION CONTRACTING

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

Occasionally in our firm's representation of construction companies, materials suppliers, services contractors and sureties, we will find ourselves embroiled in a local, state, or federal contracting dispute. These disputes are nuanced and procedurally driven, requiring knowledge of administrative and contract laws that at times overlap. Whether it is in the bid process, bid protests, post-contract compliance and administration, pricing adjustments or government contracting disputes, we have the experience to represent clients in a myriad of government contracting issues. In doing so, we are required to have an operational knowledge of how the following (among many others) key sources of federal contract law apply to our construction clientele who bid on and obtain contracts for federal projects.

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

THE BANKRUPTCY MEANS TEST AND ITS INTERPRETATION BY THE U.S. SUPREME COURT

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

Prior to 2005, bankruptcy courts across the nation were plagued by fraudulent bankruptcy filings by individuals who just wanted to get rid of their debt, but who did not necessarily qualify for such relief. To deal with the overwhelming number of abusive bankruptcy actions, Congress passed into law an act that created a new system for curbing bankruptcy abuse and thereby alleviating many of these concerns.

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

BASIC CONSIDERATIONS FOR BUILDING OR RENOVATING A HOME IN FLORIDA

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

When purchasing a home or renovating an existing inhabitation, property owners should be aware of certain basic issues that can cause legal problems under Florida law. This post is designed to address some issues that may arise in the process and provide basic guidance on what consumers need to be aware of.

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

J&C Service Spotlight: Breach of Fiduciary Duty and Business Torts

general construction, design/build and build-to-suit lease-back, as well as experience in the corporate, health/elderly care, education, retail, hospitality/entertainment and industrial markets.

The Danis Group of Companies operates eight offices located in Ohio, Kentucky, North Carolina and Florida. In 2009, the company achieved a sales volume total of more than \$301 million and employed 300 people.

Throughout the company's history, Danis has received praise for its quality work and service, its timely delivery and ability to remain under the project budget. Danis prides itself with meeting client challenges, whether they are budgets, schedules, site conditions or unique designs, and boasts an 85 percent repeat customer rate.

Jimerson & Cobb is very proud and thankful to represent Danis Building Construction and wishes it continued success and growth throughout 2012.

Results Driven

*Jimerson & Cobb attorneys obtained final summary judgment for labor recruiting company on business dispute with customer.

*Jimerson & Cobb attorneys represented shareholders in obtaining equitable accounting in shareholder dispute.

*Jimerson & Cobb attorneys facilitated pre-litigation balance in full payment for local engine services corporation.

*Jimerson & Cobb attorneys drafted owner/operator lease agreement for logistics

two years ago to [11.8 percent this month](#), mainly due to drop in homeowners who are falling into delinquency.

NINE DANGEROUS THINGS YOU WERE TAUGHT IN SCHOOL

Some of the lessons we learned in the hours after lunch but before the bus ride home are [hindering our ability to succeed](#).

FLORIDA METRO AREAS LEAD NATION IN FORECLOSURES, DELINQUENCIES

Florida's metro areas' foreclosure rates nearly [three times higher](#) than 100 largest U.S. cities. While the rate of large cities has been roughly 1.8 percent, the rate has risen 5.9 percentage points in Miami and 5.1 percentage points in Jacksonville.

DUVAL ANNUAL WAGES SURPASS STATE AVERAGES

Jacksonville paces the state with [higher average wages](#) for workers in numerous fields including construction, manufacturing and financial activities.

CLERKS SAY EXPECT DELAYS IN CIVIL CASES

Thirty million dollar budget cut for court personnel is likely to lead to [delays in civil actions](#) and could further delay the already backlogged mortgage foreclosure cases throughout the state.

HOME BUILDERS' CONFIDENCE HITS 5-YEAR HIGH

Jacksonville home builders see nationwide trend locally as local high-end builders are making their [first hires in five years](#).

FLORIDA'S ECONOMIC MAKEUP

Changes in [Florida's economic makeup](#) explain the state's 47 percent increase in GDP in the past ten years verses a population increase of 16 percent over the same time period.

HOUSING STARTS JOIN U.S. FACTORIES TOPPING FORECASTS

Good news on [new home construction](#) helps market rebound. New home construction up 2.3 percent to a three-month high.

J&C Firm News

*In a May 11 article in the *Jacksonville Business Journal*, Charles Jimerson was asked for his opinion regarding a Wal-Mart slip-and-fall case that was thrown out when the plaintiff was found to have committed fraud in the pre-discovery phase of the trial. Read the article [here](#).

*J&C proudly supported the membership drive for the Northeast Florida Builder's Association (NEFBA). Chris Cobb served as captain of the Remodeler Team, and Charles Jimerson serves chairman of the Membership Committee.

*In a April 27 article in the *Jacksonville Business Journal*, Charles Jimerson was quoted regarding a Downtown riverfront condo project that abruptly stopped construction due to the a waning real estate market. The general contractor was awarded a \$12 million judgment from the developer. Read about the suit and see Jimerson quoted in, "[Berkman Plaza II loses \\$12M lawsuit](#)."

association.

*Jimerson & Cobb attorneys represented large bank in obtaining full loan payoff from defaulted commercial borrowers after initiation of foreclosure action.

*Jimerson & Cobb attorneys assisted client in resolving construction issue associated with flooring dispute.

*Jimerson & Cobb attorneys filed verified complaints on behalf of franchisor terminating franchisees in seeking injunctive relief against competing former franchisees.

*Jimerson & Cobb attorneys successful in obtaining payment from unit owner on condominium foreclosure action.

*Jimerson & Cobb attorneys sent cease and desist letters and prevented former employee from utilizing trade secrets and competing in violation of non-compete agreement.

*Jimerson & Cobb attorneys participated in builder trade association membership drive.

*Jimerson & Cobb attorneys assisted construction materials supplier in auditing and revising all commercial contracts and credit forms.

*Jimerson & Cobb attorneys provided seminar to HVAC contractors regarding accounts receivable collections and Florida construction law.

*Jimerson & Cobb attorneys represented large commercial general contractor in negotiating favorable terms on highrise condominium renovation.

[Join Our Mailing List!](#)

*For our transactional attorney colleagues, the JBA Corporate and Business Law Section of the JBA will host the inaugural Marshall M. Criser, Jr. Transactional Law CLE on June 1 at the Sawgrass Marriott in Ponte Vedra Beach. Visit the JBA [site](#) for more information on the CLE and registration.

*J&C employees and friends enjoyed peanuts and Cracker Jack at the third annual firm outing at the Jacksonville Suns game on April 28. Below is a shot of Charles Jimerson enjoying the evening with his daughter, Lila.



*Our law clerk program continues this summer with the return of Austin Calhoun, a third-year law student at Florida Coastal School of Law who has clerked at J&C the past year. Joining Calhoun is Reid McCullough, a second-year law student at University of Florida Levin College of Law.

*In addition to our summer clerks, J&C welcomes two part-time marketing coordinators: Kenneth Evans and Jason Policicchio.

*As of June 1, the firm has new digs! We have expanded our office space to include a much larger portion of the third floor at Riverside Center. In doing so, we have doubled our office space and are enjoying having a little more breathing room to better serve our clients. Below is a photo of the expansion in action.



[Back to the Top](#)



Jimerson & Cobb, P.A.
Client focused. Results driven.

Riverside Center, 701 Riverside Park Place, Suite 302, Jacksonville, FL 32204

Telephone (904) 389-0050 | Facsimile (904) 212-1269

www.jimersoncobb.com

J&C Practice Areas

[Bankruptcy Law](#) | [Banking and Lender Liability Law](#) | [Breach of Fiduciary Duty and Business Torts](#)

[Business and Commercial Litigation](#) | [Condominium Law](#) | [Construction Law](#)

[Corporate Formation, Transactions and Operations](#) | [Creditors Rights and Commercial Collections](#)

[Landlord-Tenant Law \(Commercial\)](#) | [Real Estate Law](#) | [Trade Secret Law](#)

[Forward email](#)



This email was sent to ashleyj@jimersoncobb.com by marketing@jimersoncobb.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Jimerson & Cobb, P.A. | 701 Riverside Park Place | Suite 302 | Jacksonville | FL | 32204