



JIMERSON & COBB, P.A.

October News from Jimerson & Cobb



As a recently hired partner at Jimerson & Cobb, I am unbelievably satisfied with my decision to join this rapidly growing firm. Growth and opportunity were probably the two factors that had the greatest impact on my decision to join this firm. However, growth without a strong foundation will only result in failure. After five months with this firm, I can tell you the firm's greatest asset is its strong foundation centered on the backs of the firm's hard working employees. The employees here truly care about their job,

their clients and their fellow employees. This work ethic and demand for excellence isn't a trait found only in the attorneys but in every single person the firm employs. Excelling as a firm isn't accomplished by a few employees overachieving. It requires commitment from everyone. The Jimerson & Cobb team does it right and it's not by accident. It's due to the hard work, client focus and commitment from all of its employees.

I know we have a strong client base that shares in this commitment to excellence and the firm is thankful for the opportunity to handle whatever business issue may arise. Take a minute to pat yourself on your back for all the great work you do. I am sure there is a great quote by someone more philosophical than myself that better captures what I have already said. However, I will attempt to make a statement that conveys something meaningful or inspirational. Focus your time, thoughts and energy on the things you can control and give your full effort to this focused task. Working with such precision is more difficult than it seems but you will be surprised at what you can achieve when you narrow your focus.

God Bless,

Brad Hughes

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J&C Welcomes New Partner: Robert L. Jones, III



J&C is pleased to announce that Robert L. Jones, III has joined the firm as a partner. Robert will be leading our new estate planning and tax law practices. Robert comes to us with considerable experience that will continue to bolster the quality of legal services we provide to our clients. We look forward for all of you to get to know him as the quality lawyer and friend that we welcome to our firm.

Robert received a Bachelor of Arts in History from the University of Florida. Thereafter, he went on to obtain his Juris Doctor from the University of Arkansas at Little Rock, College of Law, where he was an Editor of the UALR Law Review.

Robert is a member of the Estate Planning Council of Northeast Florida, City of Jacksonville Taxation, Revenue, & Utilization of Expenditures and sits on the board of directors for Ameris Bank (Jacksonville).

Robert resides in St. Johns County with his wife, Elizabeth, and two children, Robert and Emma. Robert's practice will focus on estate planning, tax law, probate and trust administration. We invite you to [email](#) Robert to congratulate and welcome him.

J&C to Host Construction Law Seminar

Jimerson & Cobb is offering a specialized course designed for contractors that will cover the construction licensing process, construction liens/bond law, construction defects as well as detailed provisions in construction contracts.

This free, informative course provides participants with 4 CE credits (1 hour Laws & Rules, 1 hour Business Practice, and 2 hours General) and a wealth of knowledge.

The course will be held on Thursday, October 29th from 9:00 am to 2:00 pm in the auditorium of the Wells Fargo Center in Downtown Jacksonville. We will also be providing a delicious lunch for all attendees.

If you are interested in attending, please click [here](#) for registration information or [here](#) to view the seminar flyer.

Construction Law 101



***What You Need
To Know***

J&C Blogs

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

- [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! Following are some of the highlights from recent postings.

Florida Construction Law Blog

Riparian Rights in Florida -The Right to a Waterfront View

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

Ownership of waterfront property is very desirable in Florida and often involves unique real property considerations. But when we discuss waterfront property in Florida, one of the most attractive and most sought out features is an incredible water view. When it comes to private waterfront property ownership, it can be difficult to distinguish where the private land rights cease and the sovereign land ownership begins. More difficult is when your neighbor begins construction or activity that actually blocks your waterfront view.

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

Florida Building Code: Violations and Claims

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

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

Florida Condominium Law Blog

Condominium Special Assessments in Florida: Understanding the Business Judgment Rule

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

Special assessments, under the Florida Condominium Act, are those assessments imposed against condominium unit owners, other than those assessments required by the association's annual budget. See 718.103 (24) of the Florida Statutes. Regular assessments, on the other hand, are fees collected from condominium unit owners for the payment of common expenses of the association. See 718.103 (1) of the Florida Statutes. If a condominium board votes to pass a special assessment, such a decision will be subject to the business judgment rule. See *Cedar Cove Efficiency Condominium Association, Inc. v. Cedar Cove Properties, Inc.*, 558 So. 2d 475 (Fla 1st DCA 1990). If that judgment is properly exercised, a Florida court will not supplement its judgment for that of the board.

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

Florida Business Litigation Blog

Businesses Have Standing to Sue Under the Florida Deceptive and Unfair Trade Practices Act

By: [Brandon C. Meadows, Esq.](#)

A recent decision from the Fourth District Court of Appeals marks one of the first Florida appellate opinions holding that non-consumers may maintain a cause of action under the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"). Given the broad-and almost limitless-scope of "unfair or deceptive acts or practices in the conduct of any trade or business" prohibited by the act, some could foresee this decision as a precursor to FDUTPA claims being asserted by nearly every commercial litigant. Fortunately, the 4th DCA clarified the parameters on FDUTPA claims: while a claimant need not be a consumer to bring a FDUTPA claim, the claimant must still prove an injury or detriment to consumers to establish liability.

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

Pleading The Fifth Amendment Against Self-Incrimination In Civil Cases Filed In Florida

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

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

Recovery of Attorneys' Fees - Part I: Key Considerations in Attorneys' Fee Provisions of Contracts

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

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



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Results Driven

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

*Filed motion to compel

*Successfully argued motion to

*Filed memorandum of law in

arbitration in construction case.	compel discovery responses.	condominium arbitration action challenging the developer turnover and election.
*Retained by subcontractor in relation to a Notice of Claim (Fla. Stat. 558) served by a Condominium Association.	*Drafted Coblenz Settlement Agreement as a result of insurer's wrongful refusal to provide coverage.	*Settled federal payment bond claim and contract dispute.
*Represented regional lender in commercial real estate transaction.	*Revised community association manager contract.	*Filed complaint in Florida against Texas manufacturer of check valves that did not comply with project specifications and failed to prevent stormwater backflow on public works project in St. Augustine.
*Engaged to defend involuntary bankruptcy petition filed against real estate developer with hundreds of millions of dollars in damages impact. Filed emergency motions in response to same.	*Engaged by regional lender to prepare deed in lieu of foreclosure.	*Deposed subcontractor in construction defect matter.
*Provided opinion letter on need for audited financial statements.	*Successfully complete a foreclosure sale to recover in full the past-due assessments, late fees, interest, and attorneys' fees.	*Collect the full past-due balance on condominium assessments and late fees prior to initiating litigation.
*Drafted motion for protective order against discovery of trade secrets in federal copyright infringement action.	*Argued motion to dismiss piercing corporate veil claim Engaged to represent corporate client before the IRS.	*Represented and closed purchase of medical practice.
*Retained by homeowner in a partition action.	*Retained by subcontractor client to defend claims by contractor that client improperly terminated contract.	*Filed motion to dismiss inverse condemnation claim against general contractor.
*Represented family in inter-family sale of real estate.	*Retained by electrical contractor to respond to a DBPR complaint.	*Negotiated with Trust for completion of pool project.
*Filed complaint for residential construction defects.	*Engaged by materials supplier to review and edit restrictive covenants in employment contracts.	*Retained by subcontractor to respond to claims of common law indemnification in relation to an action filed against the general contractor.
*Demanded pre-suit mediation on behalf of contractor on federal project against two subcontractors that substantially delayed the project causing the contractor to incur millions of dollars of damages.	*File construction lien foreclosure action on remodel of house.	*Negotiated contract for repairs to condominium.
*Resolved condominium repair dispute.	*Drafted amendments to declaration concerning unit leasing covenants for condo association.	*Retained by electrical contractor to respond to a Motion to Amend a Final

Judgment.

*Negotiated commercial Lease and provided advice relating to the provisions of the lease.

*Argued motion to dismiss for illegal construction practice.

Client Focus: Strange Lathing & Plastering

A monthly feature on one of our valued clients.

STRANGE LATHING & PLASTERING

Strange Lathing & Plastering specializes in residential and commercial exterior finishes. They have been in business for 23 years and have a wide range of experience that includes residential, luxury residential, apartments and condominiums. Their experience with commercial projects includes, but is not limited to, shopping centers and schools.

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

Firm News

Curiosities, ruminations and various eccentricities of firm biz.

Bourbon & Bingo

September was National Bourbon Heritage Month, an observance in the United States that calls for celebration of bourbon as America's "Native Spirit." Don't believe us? The US Senate passed a bill declaring [it](#). We sampled three Kentucky bourbons: Buffalo Trace, Four Roses and Bulleit while making sure to consider the four essential categories of tasting bourbon: appearance, aroma, taste and finish. After we finished sampling these tasty bourbons, we played a rousing game of bingo which really triggered everyone's competitive spirit!



Ice Cream Cone Day

We celebrated National Ice Cream Cone Day by setting up a little sundae bar in our break room! Employees were able to choose from chocolate, vanilla and strawberry, or try all three. To top them off we had whipped cream, sprinkles and maraschino cherries. There's no better way to get through that mid-week slump than with an ice cream cone! Like a great person once said "You can't buy happiness, but you can buy ice cream. And that's kind of the same thing."



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