



JIMERSON & COBB, P.A.

September News from Jimerson & Cobb



A new fall not only marks the beginning of football season, but it also marks the beginning of the JBA Litigation Section's calendar year. This year I've been asked to be the head coach (Chair) of the JBA's Litigation Section—a squad filled with some wily veterans, precocious young talent and dependable contributors. Being a UF Law alum, my coaching philosophy is more patterned after Steve Spurrier than it is Will Muschamp. This year's team will play some tough competition (opposing counsels), score a lot of points (argue strong arguments) and win a lot of games (trials). Maybe help our school (JBA) increase its enrollment and campus activity in the process. We'll work smarter than our opposition and needle our adversaries with a few fun loving barbs. You can't spell jab without JBA! Hopefully this year I can draw up a few ball plays that work for the team and we'll be able to accomplish some things that the JBA Litigation Section has never accomplished. As such, I'd like to introduce my offense and tell you a little bit about how they fit in to our game plan.

Assistant Head Coach and Defensive Coordinator (Litigation Section Vice-Chair Alan Wachs) - Anyone who knows Gator football knew that Spurrier could not get over the hump without the help of a strong defensive mind. "Big game" Bob Stoops was that tipping point in 1996. Alan Wachs, a commercial litigator at Adams & Reese LLP, is that presence on our team. He's got incredible big game (trial) experience, is skilled with x's and o's (best procedural mind I know), knows the conference (legal landscape) inside and out, and is well groomed to take the reins in the event the Ole Ball Coach wants to blow off practice for a round of golf.

Quarterback and backup Quarterback (ADR Section Chair Bob Cole and Vice-Chair Dave Brecher) - Because of the fickle nature of the coach, this team will be a rotating quarterback squad. Thankfully, that is the strength of our team. Bob Cole, a mediator at Upchurch

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Watson White & Max is our "starter." His physical, mental, emotional and instinctive traits go well beyond the mere ability to pass a football (mediate a case). His "backup" is Dave Brecher of Brecher Mediation. He's a talented freshman known for his strong arm. Clearly the future of the program. Both men want to remind you that compromise is still the best and cheapest lawyer.

Tackles (Labor & Employment Law Section Chair Mark Alexander and Vice-Chair Scott Fortune) - In this offense our tackles need strength and agility. Mark Alexander of Alexander, Degance & Barnett has a reputation of protecting employer's blindsides. On the other side of the line, Scott Fortune of Fortune Law Offices is the agile and tenacious Plaintiff's lawyer who we can run behind.

Interior line (Admiralty and Maritime Law Section Chair Tim Boyd and Vice-Chair Ryan Eslinger)- This team needs to be solid up the middle and who better to protect us than two stout salty dogs like Tim Boyd of Boyd & Sutter and Ryan Eslinger of Milton, Leach, Whitman, D'Andrea & Eslinger? Tough and bellicose, these men are craftsman of a forgotten but no less vital craft.

Tight ends- We have none. Remember, this is a Spurrier offense. We're going to line up four and five wide and throw it around, baby. We'll use sticks to diagram plays in the sand.

Running Backs (Construction Law Chair Bryan Rendzio and Vice-Chair Brent Zimmerman)- A true "thunder and lightning" combination reminiscent of Fred Taylor and Eli Williams, we'll rely on my law partner Brent Zimmerman to be a short yardage back and devastating blocker for our baby-faced and durable feature back Bryan Rendzio of Franson, Iseley & Rendzio. Being construction litigators, they'll have no problem carrying a heavy workload when times get tough. Having worked at firms with these two fine men, I also know they can take some tough coaching. They're team players who won't get upset when we throw all game.

Wide Receivers (Commercial Litigation Chair David Burns and Vice-Chair Josh Roberts; Appellate Law Chair Cristine Russell and Vice-Chair Craig Feiser) - On one side of the formation we'll have our talented young playmakers David Burns of Ferrelle Burns and Josh Roberts of Holland & Knight. Both lawyers are high in pedigree, having trained in some of the best programs (firms) in the state. Former 5 star recruits out of UF Law, they are both ready for the spotlight. On the other side we have Cristine

Russell of Rogers Towers and Craig Feiser of The Office of General Counsel for Jacksonville. These two are fifth year seniors who are able to step up in big games when we are arguing DCA appeals on the road. Reliable, focused and coaches on the field (a.k.a. appellate lawyers).

Let's hope this all-star squad of mine doesn't have me throwing my visor this year. Many thanks to all of those folks for volunteering to be my section chairs. For those of you who are members of the JBA, I encourage you to get involved, grow your network and take charge of your own professional development.

Very Truly Yours,

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

J&C partner named to Florida Homeowners' Construction Recovery Fund



Partner Christopher Cobb has been selected by the Construction Industry Licensing Board (CILB) to serve on the Florida Homeowners' Construction Recovery Fund. The Florida Homeowners' Construction Industry Recovery Fund was established by the Legislature as a fund of last resort to compensate aggrieved homeowners who contracted for the construction or improvement of a residence located within the state. Congratulations, Chris!

J&C partners to present at condominium law seminar this Thursday

Partners Charles Jimerson and Christopher Cobb will present at the Lorman seminar: Legal Aspects of Condominium and Homeowners' Associations in Florida on September 25 in Jacksonville.

What you don't know can hurt you - stay updated on condominium and homeowners' association law.

The Florida housing market is bouncing back and causing new and challenging legal issues to arise almost daily for condominium and homeowners' associations. Are you prepared to confidently address the questions and concerns associated with developing and operating these entities?

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Attend this seminar and develop an in-depth understanding of the documents involved and techniques for enforcing covenants. Don't miss this opportunity to get solid advice on how to streamline the association management process and consequently encourage higher property values.

Hilton Garden Inn Jacksonville JTB/Deerwood Park
9745 Gate Parkway North
Jacksonville, FL 32246
(904) 997-6600

Click [here](#) to learn more information and even register with a 50 percent savings. We look forward to seeing you there!

Featured bLAWg Posts

Critical Vendor Payments: What Are They and When Do Bankruptcy Courts Authorize Them?

By: [Austin B. Calhoun](#)

Vendors are sometimes presented with customers going into bankruptcy. Vendors experienced in this dilemma are aware of preference actions pursuant to 11 U.S.C. § 547(b), whereby the trustee seeks to recover from the vendor all payments received from the debtor within the 90 day period prior to petition. There are various mechanisms and defenses a vendor can employ to block preference action recovery. One such tool is the critical vendor doctrine. This blawg examines the steps a vendor must take to successfully implement the critical vendor doctrine in Florida bankruptcy courts.

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

An Overview of Condominium Defect Litigation in Florida

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

Due to poor mid-2000's construction, the area of construction defect litigation is booming. Across the country, numerous owners are grappling with issues of shoddy construction and defective building materials. One of the most common reasons for defect litigation, aside from shoddy construction and poor workforce supervision, results from defective building materials that allow water intrusion. Unchecked water intrusion into the exterior walls of a building can cause pervasive rot problems within a few months following completion of a building. Due to the climate in Florida, this is an oft-diagnosed and litigated issue in Florida condominiums.

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

Additional bLAWg Posts

Condo Association's Demand to Access Units Must Be "Reasonable and Necessary"

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

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

The Differences Between Homeowners Association and Condominium Association Law in Florida-Part III: Construction Defects, Statute of Limitations and Liens

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

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

Special Assessments Levied After Recording the Claim of Lien for HOA and Condo Associations

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

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

Debt Collection in Florida: Know the Rules

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

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

The Differences Between Homeowners Association and Condominium Association Law in Florida-Part II: Records Inspections and Alterations to Property

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

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

The Differences Between Homeowners Association and Condominium Association Law in Florida-Part 1: Board Operations

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

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

Purchaser of Property at Tax Sale is Not Liable to Condo Associations & HOAs for Unpaid Assessments

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

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

Florida Declarations of Condominium: Required Provisions

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

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

Defining and Maintaining Condominium Common Elements in Florida

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

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Five Ways for Commercial Landlords to Protect Themselves in Commercial Real Estate Leases

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

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General Contractors: Make Sure You Have a Subcontractor Exception to Your Work Exclusion in Your CGL Policy

By: [Austin B. Calhoun](#)

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

The Impact of Tiara Condominiums: Independent Tort Claims and Jury Trial Waivers Make Their Way to Florida Banking Law

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

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Results Driven

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

*Effectuated a quick payment for secured creditor from chapter 11 bankruptcy estate.

*Filed voluminous Response and Motion to Strike on behalf of lender seeking summary judgment on complex commercial litigation matter.

*Prepared and negotiated construction contract for condominium association.

*Drafted alarm monitoring agreement for use by electrical contractor client for alarm monitoring services for commercial accounts in newly expanded business line.

*Drafted mortgage modification documents for lender.

*Obtained substantial recovery of high six figure judgment on behalf of lender based upon post-judgment charging orders and substantial post-judgment motion practice.

*Conducted trial in HVAC warranty matter.

*Engaged to represent concrete subcontractor on F.S. 255.05 payment bond dispute.

*Filed multiple mortgage foreclosure actions.

*Successfully negotiated indemnification agreement that allowed construction lender to continue funding.

*Prepared and served notice of intent to lien for homeowner association.

*Obtained injunctive relief on behalf of lender in action where opposing party was seeking to perform multi-jurisdictional litigation without notice or due process to other parties.

*Assisted condo association with developing formal collection policy and strategy to pursue unpaid assessments and maximize its budget.

*Drafted master services agreement for electrical contractor for multiple engagements of contractor's subcontractors to allow work orders to be issued and responded to in timely manner, particularly for disaster recovery work.

*Engaged to represent large general contractor on delay and defect claims stemming from \$84 million project.

*Obtained valuable deed in lieu of foreclosure from borrower for client.

*Filed a claim of lien in Georgia.

*Filed Emergency Motion to Intervene and Dissolve Lis Pendens on behalf of lender whose title was being slandered by faulty Lis Pendens which resulted in discharge of unlawful Lis Pendens after emergency hearing.

*Obtained order allowing issuance of subpoena for documents to consultant.

*Retained to defend against trademark infringement lawsuit.

*Conducted several depositions of corporate representatives in multi-party declaratory judgment action pertaining to life insurance collateral benefits.

*Defended deposition of condominium association board member.

*Drafted condominium opinion on successor board members.

*Obtained judgment at trial for full damages sought on behalf of condo association in case involving unpaid assessments and other amounts owed.

*Drafted settlement agreement for bank client that modified commercial relationship with customer without modifying terms of notes.

*Retained on licensing issues for retail beverage business.

*Engaged to represent landlord in claims against tenant for damage to rental property.

*Negotiated favorable settlement of seven figure dispute on behalf of medical software and services provider.

*Prepared arbitration petition to challenge recall of board member.

*Retained to defend concrete subcontractor in construction defect.

*Drafted custom home construction agreement.

*Engaged to defend multimillion dollar injunction and arbitration on behalf of community association in dispute with exclusive service provider.

*Drafted condominium opinion on interest accruing for fees and fines.

*Retained by contractor to defend improper ordering of materials on account.

*Engaged to represent Chairman of Community Development District Board in business tort dispute.

*Facilitated exchange of over 10,000 documents in commercial litigation dispute.

*Facilitated payment in full on behalf of largest secured creditor in contested and stagnant Chapter 11 proceeding.

Client Focus: Stellar

A monthly feature on one of our valued clients.



Stellar was established in 1985 as a 12-person company specializing in refrigeration contracting, maintenance, service and parts supply. But the company branched out quickly as it fulfilled its vision of becoming a diversified contracting firm.

Today, Stellar has matured into a full-service firm with more than 600 employees, offering multifaceted design and construction services to businesses around the world. Throughout much of its recent history, Stellar has been continually ranked as one of the nation's Top 25 companies in the design-build industry and among the top 100 contractors in the United States by Engineering News-Record.

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

Firm News

Curiosities, ruminations and various eccentricities of firm biz.

National Cupcake Day, anyone?

As if we needed any more excuses to gobble up some cupcakes, we decided to partake in the celebration of National Cupcake Day on August 18.

Attorneys and staff were treated to some delicious confections from local cupcakery, Sweets by Holly!



Feeding homeless pets

Last month, J&C collected dog and cat food, toys & supplies to donate to the Jacksonville Humane Society. Check out the loot we collected in our office!

At the drop off at the Jacksonville Humane Society, we asked what items were the most needed and were told that their #1 needed items are old sheets and towels. If an animal is ill and gets sick on their sheet or towel in their cage, they have to throw it away or it could contaminate the other laundry. So they go through a lot of these and always need old sheets and towels. Their #2 most needed item is cat food.

If you're interested in donating, click [here](#) to learn more about the items and goods that they accept.

They also have a thrift store a block away from their main building that accepts donations of nearly any type.



Welcome Noah Meadows!

Please join us in congratulating associate attorney Brandon Meadows and his wife, Jenna, on the birth of their son, Noah, on August 21 at 10:15 a.m. Baby Noah is pictured here, just chillin'. Good looking young man if you ask us. Brandon, welcome to parenthood where having your own food, drink, shower, bed and bathroom are now the simple joys you are bereft of. Instead of Keep Calm and Carry On, I suggest keep calm and carry diapers, cheerios, a sippy cup, tissues, Purell, a binky, more diapers, wet wipes, a rattle, a hat, plastic keys, a spoon, more diapers, formula, a camera, that one giraffe he won't let go of, a bib, baby powder, sunscreen, [Goodnight Moon](#), diaper rash cream, an extra onesie, a bottle, still more diapers, tissues, a jar of baby food...



Paddleboarding with Jax Surf & Paddle

On Saturday, August 23, J&C attorneys and staff took stand-up paddleboard lessons on the Guana River. Check out our new skills!





Snow Cone Day!

For a little afternoon pick-me-up, we celebrated our own snow cone day on September 8. We tried to soak up every summer experience we could before fall is officially here!



National Guacamole Day!

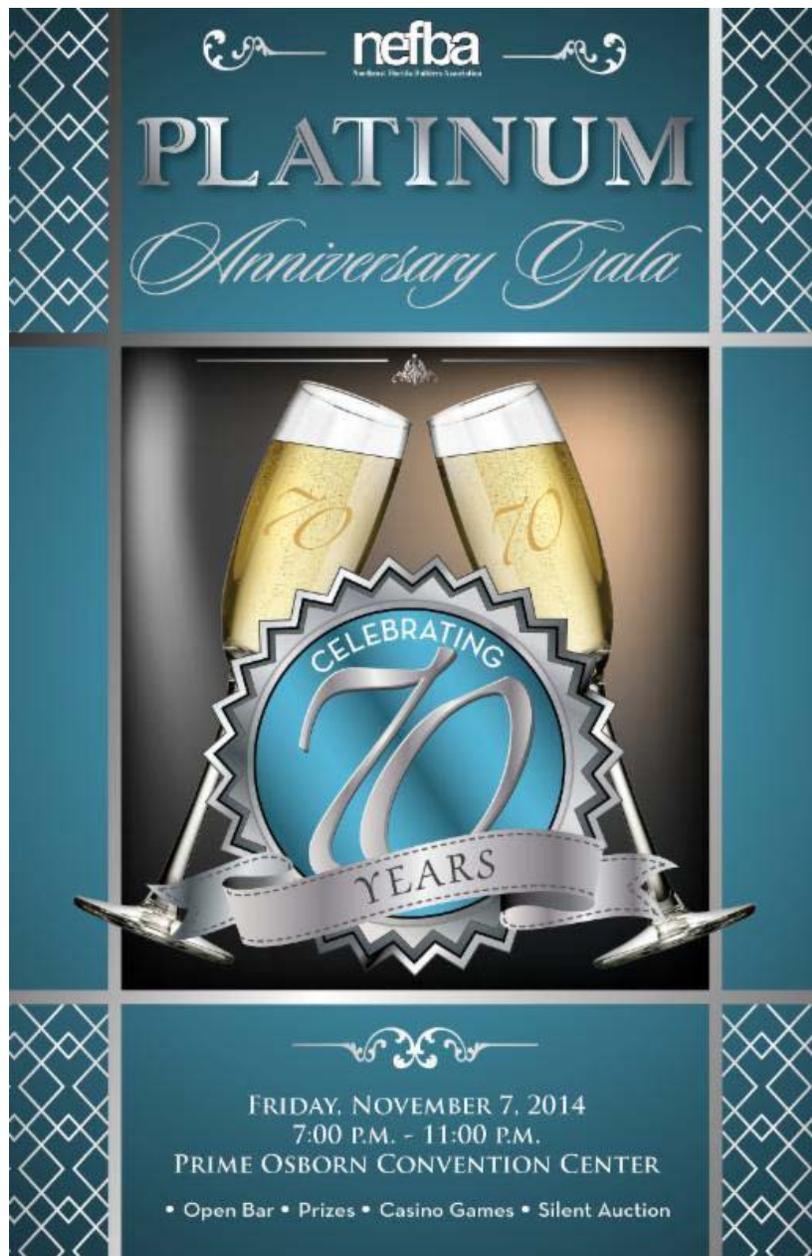
In honor of National Guacamole Day on September 16, paralegal Jessica Campbell demonstrated for us how to make the delicious dip. Behold the before and after photos below! And if you're interested in making your own, [email us](#) for the recipe Jessica used.





NEFBA Platinum Anniversary Gala this November

Interested in attending the NEFBA gala on Friday, November 7? It will be at the Prime Osborn Convention Center and will feature an open bar, prizes, casino games and a silent auction. Contact [Charlie](#) for more information and tickets.



September is college savings month

September is College Savings Month and in an effort to recognize and encourage saving for college, Jimerson & Cobb gave each of our employees a small stipend and encouraged them to contribute to a college savings account.

If you do not have a plan established, the following links offer a 529 savings plan as well as information to begin the Florida Prepaid tuition plan.

Click [here](#) for more information about a 529 savings plan.

Click [here](#) for more information on the Florida Prepaid tuition plan.

We would encourage everyone to research and begin saving. The cost of tuition has soared in recent years, and with the cost, the stress of college planning has soared as well. Start early!



Partner Charles Jimerson named to The Jacksonville Bank advisory board

Charles Jimerson was named to TBJ advisory board for a two-year term.

Welcome Justin!

Please join us in welcoming our new employee, Justin Tatham. He is currently a student at UNF and is studying public relations. He has joined our firm as a marketing intern and will work part time throughout the week.



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