



JIMERSON & COBB, P.A.

March News from Jimerson & Cobb



Last weekend I stumbled across a prodigiously powerful and moving documentary on the SEC network entitled, "It's Time." It is part of their series of documentaries, "SEC Storied," covering various fabled figures in Southeastern Conference history. The documentary tells the story of the events of October 28, 1989, and the impact that it had on generations of people to come. On a typical fall day in October 1989, Vanderbilt was playing Ole Miss in Oxford. On a typical football play, Ole Miss defensive back Chucky Mullins hit Vanderbilt running back Brad Gaines in the back and separated him from the ball. While Gaines was uninjured, Mullins suffered a broken neck on the play, leaving him a quadriplegic. But in that heartbreaking moment, a friendship was born that lasted another two years, until Mullins died of a blood clot in a Memphis hospital room, with Gaines at his side. "It's Time" chronicles the inspirational journeys of these two men brought together by tragedy. I highly encourage you to watch the documentary. The full length episode is on YouTube for less than \$2 [here](#). The ESPN Sportcenter segment covering some of the documentary material is also [here](#) for free if you'd like a solid preview of the piece. Whatever you do, make sure you have your tissue box handy whenever hearing about this tear-jerking story.

I had an idea of what the documentary was about, but I must admit I was not prepared for the story I was about to hear. Although I have been a fan of SEC football for as long as I can remember, I never had really heard the full story of Chucky Mullins and Brad Gaines. It opens up with Brad Gaines, a former Vanderbilt fullback, speaking about the day of that game in 1989. It's amazing how a perfect day for football can quickly turn into a tragedy in just a matter of hours. Chucky Mullins' hit was one that would alter the lives of two men forever. The hit that paralyzed Chucky Mullins was just the beginning of the story. Gaines recalls his thoughts in the moments following that hit, to wit it was clear that the lives of everyone involved would be changed immeasurably from that moment

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forward.

The emotion on the faces of each person interviewed is palpable and I'd be lying if I said I didn't get choked up myself when Gaines recalls finding out what happened to Mullins for the first time. It is clear that the feelings he felt, that emotion, is as real today as it was more than 20 years ago. A moment that he no doubt dwells on every day of his life. But what quickly becomes apparent is that this isn't the story of a tragic injury, but a story of an inspiring figure, a man who would touch the lives of untold people. The hit, and the following injury was a catalyst for those men, among others, to bond, and to show everyone around them that there was more to life than football. For a school that had a history of racism, the community stood together in its support for a player, regardless of his race, who needed a family. In the coming months and years, those who had provided support for Chucky Mullins, emotionally and financially, found that they were the ones who were receiving support and inspiration. Chucky was just that type of man. A smile never far from his face, he inspired to the end, and even beyond. Chucky reminded all to never quit, and to do everything the right way, 100%.

Brad Gaines struggled with the injury, and ultimate death, of Chucky Mullins, quitting football because he could not find the same love he had for the game prior to that fateful moment. To this day, he drives over three hours both ways from his home to Mullins' grave site to clean the headstone and to talk to his friend three times per year: the day of the hit, the day of Mullins' death, and Christmas. Think about that for a moment...for the past 13 Christmas mornings, Gaines sacrificed time with his own wife and kids on this special day because he didn't want Chucky to be alone on Christmas. He drives six hours and sits in the cold so that he could have a laugh and a cry with his friend. When destiny forgot to tie these two men together by blood lines, it corrected its mistake by making them true friends. Brad Gaines' commitment showed me that friendship isn't about which pals you've known the longest. It is about who came and never left your side. Special friends are not born, they are made.

Feeling a range of emotions brought on by this special documentary, I reached out to the Vanderbilt athletic department requesting Brad Gaines' contact information in order to offer him words of encouragement in a letter or call. Within less than a week, I received a call from Mr. Gaines himself because, in his words, "I always return all the calls I get." Mr. Gaines and I spoke briefly wherein I told him how much he inspired and touched me. I admired his courage in confronting his grief in such a

sentient manner. What was transcendental, however, were not any words of reassurance that I offered, rather it was his overall perseverant spirit and high character that shone through when he repeatedly informed me that "he just tries to do the right thing...just try to make sure my family has a good name, you know?" Even though our time speaking was barely enough to get acquainted with one another, I left that conversation feeling understood and an understanding. Special men like Brad Gaines have a way about making you feel special about yourself-about life, too. He brought a new energy to my soul and for that I am always reverent. As I'm sure Brad knows all too well, not everyone will understand your journey. Most of the time, neither will you. That's fine. It's not anyone else's place to make sense of your journey. It's yours. Mr. Gaines makes sense of his journey in the best way he knows how, living inspired and inspiring others. The good life is one inspired by love and guided by courage. And as Mr. Gaines would probably tell me if I took him up on his offer to "call anytime, even if you just want to chat about life," love is heaven, but sometimes it can hurt like hell.

As I preach to anyone who will listen, there is always, always, ALWAYS something to be thankful for. At this moment in time, I'm so thankful for Brad Gaines and Chucky Mullins and their impact on the world.

Very Truly Yours,

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

March Madness Block Party this Thursday!



Will you be joining us? We are just a few days away from the J&C March Madness Block Party!! As a reminder, here are the key details:

- Thursday, March 26
- 5:30 - 9 p.m.
- Food trucks, including Chew Chew Food Co. and Le Petit Cheri Cupcakery
- Giant Jenga - Plinko - Basketball
- Raffle Drawing (*You might win a Big Screen TV!*)
- Cocktails
- Multiple big screen TVs for viewing games

Any questions? Email our Controller/Director of Marketing [Stephanie Stubbs](#).

We look forward to seeing you there!

Partner Cobb presented on design liability and the CILB

Partner Christopher Cobb presented to the Florida Construction Law Certification Review Course on issues of Design Liability. The Certification Review course is offered by the Florida Bar to those Florida lawyers seeking board certification in construction law. Chris was also asked to speak at the Florida Construction Law Institute on the issues that relate to practicing before the Florida Construction Industry Licensing Board.



CONSTRUCTION
LAW

J&C Blogs

Programming note! We've rebranded our blog into three separate blogs:

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

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

Florida Construction Law Blog

General Contractors May Seek Treble Damages Against Unlicensed Subcontractors Pursuant to Section 768.0425, Florida Statutes

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

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

Contingent Payment Provisions in Florida Construction Contracts

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

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

Florida Condominium Law Blog

Why Community Associations Cannot Afford to Ignore Lender Foreclosure Actions - Part II

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

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

Drones in Community Associations - Part II

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

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

Drones in Community Associations - Part I

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

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

Why Community Associations Cannot Afford to Ignore Lender Foreclosure Actions - Part I

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

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

Florida Business Litigation Blog

An Employer's Guide to Drafting and Enforcing Non-competition Agreements

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

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



Interested in reading more blog posts? Subscribe via [RSS Feed](#) or via [email here](#) 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.

*Finalized Section 363 bankruptcy asset purchase on behalf of secured creditor.

*Engaged to defend a shareholder from involuntary redemption of stock and minority shareholder oppression.

*Deposed as expert witness in multi-million dollar class action.

*Provided expert witness consultation on complex attorney's fee issue.

*Filed an objection to confirmation of a bankruptcy plan on behalf of a regional bank for debtor's failure to properly classify secured debts.

*Drafted purchase and sale agreement and facilitated transaction of sale of landscaping business.

*Filed complaint with DBPR against contractor for unlicensed activity.

*Obtained dismissal of conspiracy cause of action brought against residential builder.

*Drafted smoking ban for rules and regulations for condominium association.

*Made demand upon ESOP trustees for breach of fiduciary duty in manipulating stock price.

*Settled multiple bankruptcy preference actions on behalf of medical supplier for a fraction of what was alleged. Defenses on the primary basis of ordinary course transactions and debtor solvency.

*Negotiated and drafted a corporate stock purchase and severance agreement on behalf of a minority shareholder and officer of a regional media corporation.

*Deposed corporate representative of third-party building envelope consultant in connection with defect case.

*Engaged to represent insurer in insurance coverage dispute based upon alleged trade dress infringements.

*Drafted demand upon trustees of employee stock ownership program for violation of fiduciary duties on behalf of stockholder of a regional environmental technologies firm.

*Settled breach of franchise agreement and restrictive covenants case on eve of trial.

*Engaged to draft updated corporate documents and provided corporate counsel for a growing closely-held corporation.

*Engaged to defend waste company against claims of unfair competition and tortious interference.

*Drafted shareholders agreement and amended bylaws of crematorium corporation.

*Obtained deficiency judgment after short sale based solely on affidavits.

*Argued against and defeated motion for protective order in connection with deposition.

*Attended homeowners' association board meeting to discuss assessment collection strategies and remedies for violations of its covenants and restrictions.

*Negotiated a settlement agreement for past-due assessments to be paid by the previous unit owner to the condominium association.

*Defended private payment bond action filed against site work contractor.

*Negotiated settlement in preference action for 60 percent of claim exposure.

*Compelled ratable share payments from participant bank in favor of lead bank on defaulted loan.

*Drafted documents for purchase and sale of thriving business for original owner.

*Pushed a mortgage foreclosure forward with an Order to Show Cause.

*Engaged to defend and assert

*Engaged to facilitate title transfer of a Florida vessel from deceased record holder's estate to subsequent purchaser.

*Facilitated buyout of minority interest holder in closely held media company.

*Engaged to defend and assert counterclaims on behalf of Georgia small business owner in action by lender concerning commercial loans.

*Drafted and codified terms of liquidating agreement with downstream subcontractors in favor of pursuing joint delay claims on large construction project.

counterclaims on behalf of general contractor for breach of residential construction contract.

*Requested variance from condominium rules and regulations.

*Obtained summary judgment for condominium lien foreclosure.

Client Focus: Skinner Waste Solutions

A monthly feature on one of our valued clients.



Skinner Waste Solutions is based in Jacksonville, Florida, and provides doorstep trash and recycling valet service to multifamily communities.

With over 30 years of combined experience selling landscape products and maintenance services to apartments, condominiums, and retirement communities, Skinner Waste Solutions has learned how important reliable service and attention to detail is to both the tenant and the property management company. They understand the competitive nature of multifamily housing and the importance of providing exceptional amenities that will differentiate one property from the next. Skinner Waste Solutions generates income to a property's bottom line without any financial investment on the management's part, while providing the tenant a hassle free solution to waste removal.

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

Firm News

Curiosities, ruminations and various eccentricities of firm biz.

Hans got hitched!

Associate Hans Wahl married his beautiful wife, Courtney Strack, on March 14 at the Casa Marina Hotel in Jacksonville Beach. We are so happy for Hans and Courtney as they embark on a wonderful married life together!



Florida Department of
**Business &
Professional
Regulation**

J&C receives approval for condo board member certification class

Jimerson and Cobb has received approval from the Department of Business and Professional Regulation for their condominium Board Member Certification Class. This is a class which will be taught by the members of the firm's Condominium Practice Group to newly elected condominium board members in order for the new board members to meet the state of Florida requirements for condominium board certification.

Daytona 500/Nascar Appreciation

From our Daytona 500 Friday on 2/20/15. We played a bracket championship game of Nascar Wii (attorney Brandon Meadows was crowned the winner) and enjoyed some light beverages. A few dressed up for the "Super Fan" attire competition - attorney Brittany Snell and Controller/Director of Marketing Stephanie Stubbs!



Oreo Cookie Day

As if we need any excuse to scarf down some Oreos, we celebrated Oreo Cookie Day on Thursday, March 5. We had the celebrated cookies and milk available throughout the day.



Bring on your best haiku



In an effort to keep our writing skills sharp, everyone was tasked with writing a Haiku. Forgot the rules for composing a haiku poem? Each haiku must:

- Five syllables in the first line
- Seven syllables in the second line
- Five syllables in the third line

The voted winner was partner Chris Cobb with the following poetic masterpiece:

Bacon Bacon yum.

Veggie, Vegan you get none.

Get in my belly.



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