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Client focused. Results driven.

April news from Jimerson & Wilson, P.A.



William Shakespeare once wrote that, "April hath put a spirit of youth in everything." It is with that spirit of youth that we have enjoyed our work and our lives this month. We enjoy it a little less every April 15th, but I digress. The fountain of youth that we drink from is the strength of our minds, the expansion of our talents and the support we bring to the lives of our loved ones and the people we touch on a daily basis. In tapping this source, we hope to continue our plight in defeating

age. Here's to wishing you all a youthful April.

Very truly yours,
[Charles B. Jimerson, Esq.](#)

Featured bLAWg Post: Overview of Florida's 2011 Legislative Session (Part 2 of 2)

By: [Harry M. Wilson, IV, Esq.](#)

Florida lawmakers convened in Tallahassee in early March to begin the state's annual legislative session, which will run through May 6. Republicans have veto-proof majorities in both the House and the Senate. This session marks the first for Governor Rick Scott who ran on a platform to reduce government, cut taxes and create jobs. Close to 1,800 bills have already been filed but perhaps the biggest challenge lawmakers will face will be balancing the state budget. In follow-up to my first post, the following article highlights some of the other big issues facing the legislature this session.

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

[Click here to read Part 1 of this bLAWg post.](#)



Attorney Charles B. Jimerson named to

April 2011

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Jacksonville Business Journal's 40 Under 40

Managing shareholder Charles B. Jimerson was named to the *Jacksonville Business Journal's* 40 Under 40, a designation that names the top business professionals in the community under the age of 40. The winners were honored at a breakfast on April 7 at the UNF University Center and were featured in a special section of the JBJ on Friday, April 8. The JBJ received more than 170 nominations for this year's list. Congratulations!



Click [here](#) to read the JBJ feature on Charles Jimerson.

Click [here](#) to see all the winners of the 2011 JBJ 40 Under 40.

Contested Foreclosure Mock Trial Held Last Week

Jimerson & Wilson, P.A., hosted a successful mock foreclosure trial put on by the Mock Trial Team of Florida Coastal School of Law on Friday, April 8, at the Florida Coastal campus. The trial was hosted in conjunction with the First Coast chapter of Risk Management Association (RMA).



Through hosting this mock trial, RMA hoped to educate legal, real estate and financial services professionals about the complexities of our legal system, the basic jurisprudence of foreclosure laws and the challenges facing bankers and attorneys in the foreclosure process. The audience learned about the Florida foreclosure legal system through a simulated courtroom experience that closely mirrors that of real world proceedings.

The unique event garnered much interest and was featured in the *Financial News & Daily Record*. Click [here](#) to read the article.

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

Additional bLAWg Posts

[Substitute Service on Nonresident Through the Secretary of State](#)

By: [James D. Stone, III, Esq.](#)

Imagine you have made the decision to go through with a lawsuit against an individual or entity debtor that owes you money and are ready to effectuate service of process. What happens when the debtor does not reside in Florida or is concealing his or her whereabouts? Generally, Florida law requires that process be served personally upon a person. Fla. Stat. § 48.031(1)(a) (2008). However in some limited circumstances,

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Client Focus



[Manning Building Supplies](#)

was founded in Ocala, Florida, in 1979. Kirby Manning leased a warehouse in the Ocala Industrial Park and with only a few employees and a nucleus of faithful and supportive customers began to build a full service building materials supply business serving Marion County.

With full service supply centers located in Jacksonville, St. Augustine, Ocala, Orlando, Lakeland, Ft. Pierce, and West Palm Beach. Manning Building Supplies offers a broad selection of building products ranging

Florida law permits service of process by substitute methods of service. These alternate methods of service are especially of interest in situations where attempts to locate a defendant fail. One of these methods is service upon the Secretary of State of Florida. However, this method of service is limited to specific circumstances defined by statute.

[10 things to consider when selecting a General Contractor in Florida](#)

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

Recently I was reading some old business journal and came across an article titled, How To Choose a General Contractor or Developer. In addition to competitive pricing, the article extols the virtues of vetting the licensing, qualifications, references and workforce of your contractor. Using this article, past experience, and client interviews as inspiration, we have created a list of ten things to consider when selecting a General Contractor.

[Almost Scammed: The Latest Nigerian Fraud on Lawyers](#)

By: [Harry M. Wilson, IV, Esq.](#)

It almost goes without saying, but lawyers should go the extra mile to double check the background of potential clients who come to the firm solely via email. As we've learned from personal experience, there are con artists afoot who would use lawyers to perpetrate their, albeit clumsy, frauds. Recently, our firm was contacted twice by imposters posing as potential clients. In both cases, the introduction came via internet, unsolicited. The first time we quickly sniffed out the fraud; the second time we were almost suckered.

J&W Service Spotlight: Trade Secret Law

Trade secrets are loosely defined as proprietary or confidential information used in business. The secret must have monetary value or provide the owner with some time type of competitive advantage. Businesses must be very careful to maintain an element of secrecy by taking reasonable precautions, such as the use of confidentiality or non-compete agreements, before proposing the secret idea to a potential buyer, investor, employee or other person. A company may spend a great deal of time, effort and resources developing client or potential client lists, manufacturing processes, industrial and technological information, product or processes specifications, business strategies and marketing plans--priceless information that is not available to the public. When this information is illegally shared with competitors, it can cause permanent damage to business interests.

We have counseled and represented employers and employees in disputes involving trade secrets, non-compete and non-solicitation agreements, the employee duty of loyalty and similar matters, including:

- Preparing agreements and other documents with corresponding policy implementation procedures that allow employers to protect valuable information and customer relationships
- Breach of non-compete, non-solicitation and/or non-disclosure agreements
- Misappropriation of trade secrets and seeking temporary and permanent injunctions to prevent the immediate use of trade secrets
- Counseling employers who are hiring employees, as well as those who have employees departing, and advising individuals through the process of transitioning from one employer to another

from foundation material to finished hardware. All of the locations operate a pre-hung door and millwork shop and there are four truss plants located in Jacksonville, St. Augustine, Ocala and Orlando.

In addition to these operations, Manning has a pre-cast concrete wall plant in Lakeland, Florida called Quick Wall. With Quick Wall, Manning offers a shell package that integrates concrete wall panels, trusses, framing, windows and interior doors and trim. Quick Wall is certified by the State of Florida as an actual hurricane resistant product that allows zero percent water penetration.

Manning Building Supplies is an employee owned company. The ongoing goal of the company is to keep pace with innovations in new products, continue expansion of manufacturing capabilities for new and existing products such as Quick Wall, trusses, millwork products, and the continued use of computer technology to better run and manage their business. The chief goal, however, is to work everyday to build and improve relationships with its customers and suppliers.

Jimerson & Wilson, P.A. is very proud and thankful to represent [Manning Building Supplies](#) and wishes it continued success in 2011.

Results Driven

*Jimerson & Wilson attorneys represented commercial landlord in the eviction of delinquent tenant.

*Jimerson & Wilson attorneys facilitated full recovery for material supplier

For more information about our [Trade Secret practice](#), or to discuss your legal concerns with a lawyer who understands trade secret law, [contact](#) our offices today.

Industry News

Thrasher pinpoints his focus of current legislative session

Port funding, education reform and cleaning up the St. Johns River were at the [top of state Sen. John Thrasher's agenda](#) when he met with the Jacksonville Business Journal.

LPS issued formal consent order

Lender Processing Services Inc. and its subsidiaries have agreed to a consent order issued by several different federal regulators over alleged "[unsafe and unsound banking practices](#)," regarding the mortgage default management services it provided, according to public records.

President asks for revenue increases and spending cuts

President [rips GOP fiscal plan](#), says mix of taxes and cuts needed.

Gaming-for-hire jobs of the future

David, a 34-year-old living on the east coast of the United States, is a big fan of World of Warcraft but is anxious that his heavy workload is not leaving him [enough time to play](#), therefore make progress, in the online game.

Local hotel ownership groups file for bankruptcy

In the wake of the recession, at least seven Duval County hotel ownership groups, including three at the Beaches, [filed for protection under bankruptcy laws](#) during the first quarter of 2011.

Why haven't major players in the financial mess been prosecuted?

It is a question asked repeatedly across America: why, in the aftermath of a financial mess that generated hundreds of billions in losses, [have no high-profile participants in the disaster been prosecuted](#)?

Firm News

*Joshua Cossey, Esq., has joined the firm in an of-counsel position. Mr. Cossey's current practice areas include land use, real estate litigation and transactions, commercial litigation and transactions, foreclosure, bankruptcy, arbitration, mortgage finance, community associations and agricultural/equestrian law. His trial experience includes property disputes and lending practices. He continues to proudly serve in the Florida Army National Guard and organizes events for local charities.

*Kudos to our office manager Mary Nussbaum for winning the J&W NCAA basketball tournament pool! She won with 41 correct picks and had two of the final four teams correct, including her beloved Kentucky, which lost in the semi-finals. Reece was a close second with 37 correct picks.

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on payment bond claims from public project.

*Jimerson & Wilson attorneys mobilized on short notice to defend clients sued in bankruptcy adversary proceedings and state court contract cases.

*Jimerson & Wilson attorneys performed pro bono representation of NEFBA Builderscare in drafting of construction contracts for tenant improvements of handicapped and permanently disabled families.

*Jimerson & Wilson attorneys negotiated and collected a large settlement in a contested nursery materials dispute with an out-of-state defendant.

*Jimerson & Wilson attorneys assisted commercial lender in working out arrangements with defaulted commercial borrower on complex loan transactions.

*Jimerson & Wilson attorneys assisted construction company in winding down business in accordance with Florida law.

*Jimerson & Wilson attorneys pursued civil actions on defaulted loan agreements in state courts in Georgia and Alabama.

*Jimerson & Wilson attorneys represented several commercial lenders in loan default and foreclosure litigation.

*Jimerson & Wilson attorneys represented professional services corporation in drafting equity member agreement for corporate shakeup.

*Jimerson & Wilson attorneys negotiated an advantageous settlement and obtained payment for an out-of-state lab testing company with environmental engineering company.

*Jimerson & Wilson attorneys represented a corporation in securing resignation of a top employee.

*Jimerson & Wilson attorneys obtained a certificate of title in a Duval County foreclosure.

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