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*Client focused. Results driven.*

### *March News from Jimerson & Cobb, P.A.*



I have long argued that March is the best month in the year. The weather getting warmer and more daylight in the evenings encourages you to get outside more often. Aside from spring in the air, March madness and green beer, I recently discovered that there are a few other reasons to enjoy this month:

March 17, Submarine Day - The sandwich or the boat?? I am equally grateful for both.

March 19, Poultry Day - I am miffed that the Chick-fil-A cows are not throwing a bash for this big event.

March 20, Extraterrestrial Abductions Day - Keep one eye on the sky. Be ready to duck, dodge and hide because if you are not careful, they will find you. It's best you celebrate today by reading H.G. Wells or H.P. Lovecraft (is that the required nomenclature for a distorted 19th century science fiction mind?) and make sure to keep out of sight of extraterrestrials.

March 20, Proposal Day - Ladies and gentlemen, this could be a big, big day. For those of you who are still holding out, I suggest you have some fun with this one by marking it on the calendar and then starting every sentence with, "I would like to propose to you..." before you fill in the blank with, "...that we go see a movie," or "...that while computers may be able to beat us at chess, they are no match for us in kickboxing." Use caution, though, as this technique may ensure that Proposal Day may not be a relevant event for you next year.

March 22, National Goof Off Day - Now here's a day that just about everybody can relax and enjoy. It's a day to do anything and everything...except what you're supposed to do today.

March 23, National Chip and Dip Day - My favorite is a Ruffles Cheddar Sour Cream with a jalapeno crab dip. Ruffles chips are notoriously good for you as they are cut thick and crinkled, which means more fried potato is stuffed into each bite. Think of it this way: If you stretched out the crinkles, you'd have a massive hunk of fried potato. That's good for you, right?

### *March 2012*

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March 23. Near Miss Day - On March 23, 1989, an asteroid the size of a mountain came within 500,000 miles of a collision with Earth. In interstellar terms, it was a near miss. Had it collided with the Earth, it would have left a devastating crater the size of Washington, D.C. Its affect on the planet would have been catastrophic. What the U.S. government failed to tell you is that Harry Stamper gave his life in preventing that near disaster.

March 26. Make Up Your Own Holiday Day - Not that I made up this entire list, but I easily could have slid a faux holiday in there and you never would have known it.

March 28. Something on a Stick Day - Isn't this just a neat day? Considering that most of my favorite foods can be speared and consumed on a stick, this holiday has great potential. The kids will love it and so will you!

March 29. National Mom and Pop Business Owners Day - National Mom and Pop Business Owners Day celebrates small business owners. These individuals spend countless hours nurturing and growing their young enterprises. The workload demands and lack of a hired staff often translates into long and late hours and many missed family and personal events. But, all in all, they love what they do. After all, they are their own boss. New businesses have always been a vital, yet not fully appreciated, part of the U.S. economy. On they retail side, they bring different and unique products to the marketplace. They provide stellar and personal service support. When you call, you are more likely to get a real, live person. And unlike big national chains, they know their products. They are outstanding performers in niche markets. In manufacturing, they create many new concepts and ideas, making them creators of new products. Celebrate National Mom and Pop Business Owners Day by showing your support. Shop their stores and purchase their services today and everyday. That includes your local four-attorney business litigation boutiques!

Enjoy your obscure March holidays and feel free to shoot me an email to let me know if I am missing out on any good ones in the months to come.

Very truly yours,

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

### *J&C managing attorney achieves prestigious peer rating*



Managing shareholder Charles B. Jimerson achieved an AV® Preeminent rating from the Martindale-Hubbell® PEER REVIEW RATINGS™ system, a significant rating accomplishment and testament to the fact that his peers rank him at the highest level of professional excellence.

The Martindale-Hubbell® PEER REVIEW RATINGS™ are an objective

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### *Visit Our bLAWg*

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

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### *Client Focus*



Fulfilling a specialized niche for reconditioning services, [ColorAll Technologies](#) introduced on-site repair services for fleet, heavy equipment, and agricultural industries almost twenty years ago. With specialized technicians continually striving to meet the repair requirements of their customers through a same-day service program, ColorAll makes it possible for company vehicles to be returned to service quickly.

categorization system indicating a lawyer's high ethical standards and professional ability as rated by fellow lawyers and judiciary in the United States and Canada. The system is designed to be a resource for consumers of legal services in identifying and selecting the most appropriately qualified attorney for a legal need. Attorneys are rated according to legal knowledge, analytical capabilities, judgment, communication ability and legal experience.

View his profile on the Martindale-Hubbell site [here](#). To learn more about this prestigious recognition, visit the Martindale-Hubbell [site](#).

Charles now joins fellow shareholder Chris Cobb with this prestigious honor. Congratulations!

## ***Support upcoming Junior Achievement Lawyers' Challenge Bowl-A-Thon***



J&C is an avid supporter of Junior Achievement and its Bowl-A-Thons to raise money for volunteers and learning in the classroom. We invite our fellow legal community to participate in this fun excuse to bowl for a good cause.

Below are the key details for the upcoming Lawyers' Challenge Bowl-A-Thon:

- DATE: Saturday, March 31st
- TIME: 11:30 a.m. to 1:30 p.m.
- LOCATION: Bowl America at 10333 San Jose Boulevard
- TEAM: 6 bowlers per team
- COST: \$85 per bowler or \$510 per team

As the world's largest organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy, JA employs a unique approach inviting volunteers from the community to deliver the curriculum while sharing their own experiences with students in the classroom.

If you are interested in learning more about [sponsorships](#) for this event, [contact](#) Molly Haston at JA of North Florida.

Visit the JA [site](#) or click [here](#) to read more about the JA Bowl-A-Thons.

## ***Featured bLAWg Post: Establishing a Construction Delay Claim: Documenting the Critical Path***

Today, ColorAll Technologies serves a wide range of fleet companies, rental car companies, government and municipal fleets, auction sites, used and new car dealerships and other markets with a single-source vendor approach, solving a wide range of color reconditioning needs conveniently at the customer's location.

ColorAll's repair services utilize products in accordance with its Green Earth Certified Franchise system, ensuring a safe work place at all times.

Jimerson & Cobb is very proud and thankful to represent ColorAll Technologies and wishes it continued success and growth throughout 2012.

### ***Results Driven***

\*Jimerson & Cobb attorneys obtained emergency protective orders in order to halt discovery violations.

\*Jimerson & Cobb attorneys mobilized quickly to save \$33 million dollar purchase of Texas Oil and Gas property for publicly traded gas company.

\*Jimerson & Cobb attorneys obtained favorable settlement on Georgia construction lien litigation.

\*Jimerson & Cobb attorneys spoke at a national construction litigation conference on lien and licensing issues.

\*Jimerson & Cobb attorneys defended commercial lease dispute with damages alleged at over \$800,000.

\*Jimerson & Cobb attorneys analyzed and opined on restrictive easement agreement for local fast food restaurant.

By: Austin Calhoun

In a construction delay claim, the contractor has the burden to prove that the offending party's actions affected activities on the critical path of the contractor's performance of the contract. *George Sollitt Const. Co. v. U.S.*, 64 Fed.CI. 229 (Fed. CI. 2005). To meet this burden, a contractor must initially establish the as-planned critical path. Moreover, the critical path needs to be diligently updated to adapt to the evolution of the construction project as it is actually built. Critical Path Method (CPM) schedules are the most often used and preferred way to create and document the critical path.

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

### ***Additional bLAWg Posts***

#### **SO HOW MANY PLEADINGS ARE THERE? REALLY?**

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

A recent conversation with another civil litigation attorney about a hearing on attorney's fees prompted me to remember the good old days of law school when I first learned about pleadings. I realized that, had I not had newly sworn in criminal Judge Tyrie Boyer as a professor of Florida Rules of Civil Procedure, I might have become one of the misinformed masses. I never realized just how many attorneys do not know the difference between a pleading, a motion and any other court filing. I am here to dispel any myths about what is and is not a pleading and hopefully provide some much needed information to those attorneys who might still think any document filed with the court is a pleading.

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

#### **PRIVILEGED DOCUMENTS PROVIDED TO AN EXPERT WITNESS: HAS THE PRIVILEGE BEEN WAIVED?**

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

Expert discovery has just been served by opposing counsel and your retained expert provides you with a copy of his file, including all documents he has reviewed in the matter, as requested. Your heart skips a beat as you discover several privileged documents have been provided to your expert throughout the course of the litigation. Do you have to turn over the documents to opposing counsel?

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

### **J&C Service Spotlight: Commercial Landlord Tenant Law**



At Jimerson & Cobb, we are available to draft, review and negotiate commercial leases and assist other landlords or tenants with issues relating to evictions, past-due rent collections, non-monetary and monetary lease defaults, exclusive use and other restrictive covenants, unlawful detainer

\*Jimerson & Cobb attorneys worked with expert witnesses to gather information for and provide expert witness reports in complex banking litigation action.

\*Jimerson & Cobb attorneys engaged in inspection of property that results in emergency repairs.

\*Jimerson & Cobb attorneys participated in extensive discovery and injunction proceedings in complex class action litigation.

\*Jimerson & Cobb attorneys researched and analyzed recent updates and changes to 2010 Florida Building Code.

\*Jimerson & Cobb attorneys mobilized on short notice to terminate subcontractor and obtain replacement subcontractor without incurring any project delays or cost overruns.

\*Jimerson & Cobb attorneys secured offer to settle case after detailed deposition in aid of execution.

\*Jimerson & Cobb attorneys assisted commercial client in complex commercial real estate workout resulting in diminished personal liability and forgiveness of substantial amount of corporate debt.

\*Jimerson & Cobb attorneys defended client during deposition for breach of fiduciary duty.

\*Jimerson & Cobb attorneys redrafted corporate contracts and transactional forms for regional publicly traded company.

\*Jimerson & Cobb attorneys retained to foreclose and sell vehicle for failure to pay for repairs.

security and insurance issues, Common Area Maintenance Issues (CAM) issues, failure to make repairs and other commercial landlord-tenant disputes.

Jimerson & Cobb has represented many types of commercial landlord clients who own and operate various different types of properties. We offer comprehensive landlord-tenant law services that address the assortment of needs that landlords have or eventually will encounter.

Please feel free to browse our [Landlord Tenant FAQs](#). For more information about our practice, or to discuss your legal concerns with a lawyer who understands commercial landlord-tenant law, [contact](#) our offices today.

## Industry News

### **\$25B FORECLOSURE SETTLEMENT FILED IN FEDERAL COURT**

The U.S. Department of Justice, the U.S. Department of Housing and Urban Development and 49 state attorneys general, including Florida Attorney General Pam Bondi, on Monday filed their [landmark \\$25 billion agreement](#) with the nation's five largest mortgage servicers over alleged foreclosure abuses.

### **MEET THE JACKSONVILLE BUSINESS JOURNAL'S 2012 CLASS OF 40 UNDER 40 WINNERS**

This year's class of [40 Under 40 honorees](#) includes a variety of professionals who are succeeding in business and making a contribution to the community around them. They include lawyers, construction and real estate professionals, entrepreneurs, accountants, marketing professionals and a doctor, among others.

### **BI-LO MOVING ITS HEADQUARTERS TO JACKSONVILLE**

Bi-Lo Holding, the new parent company of Winn-Dixie Stores Inc., is [moving its headquarters](#) to Jacksonville.

### **NEW BUILDINGS GOING UP AROUND DOWNTOWN CORE, TOWN CENTER**

Jacksonville's burgeoning rental market continues to heat up, with at least [two more developments](#) slated to break ground this year.

### **JACKSONVILLE COMPANY AWARDED \$5 MILLION DEPARTMENT OF HOMELAND SECURITY CONTRACT**

CTI Resource Management Services Inc. has [won a contract](#) through the U.S. Department of Homeland Security's Program Management, Administrative, Clerical and Technical Services program.

### **PREMIER MANUFACTURER OF BICYCLE RIMS MOVES FROM AUSTRALIA TO JACKSONVILLE**

Velocity USA, a well-respected maker of bike rims, has moved from Australia and [set up its plant in Jacksonville](#). It's not large yet, just eight people. But they're turning out 300 rims a day, shipping them across the country and even back to Australia.

### **FIVE LEADERSHIP LESSONS FROM JAMES T. KIRK**

Captain James T. Kirk is one of the most famous Captains in the history of Starfleet. There's a good reason for that. He saved the planet Earth several

\*Jimerson & Cobb attorneys obtained favorable settlement in complex lender liability action on the eve of ten-day trial.

\*Jimerson & Cobb attorneys obtained favorable settlement of Federal Court lawsuit by Fannie Mae against condominium association.

\*Jimerson & Cobb attorneys retained to protect condominium assessment liens in multiple foreclosure actions.

\*Jimerson & Cobb attorneys drafted and recorded multiple homeowner assessment liens for community in St. Johns County, Florida.

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times, stopped the Doomsday Machine, helped negotiate peace with the Klingon Empire, kept the balance of power between the Federation and the Romulan Empire, and even managed to fight Nazis. On his five-year mission commanding the U.S.S. Enterprise, as well as subsequent commands, James T. Kirk was a [quintessential leader](#), who led his crew into the unknown and continued to succeed time and time again.

#### **HOW TO EMPOWER YOURSELF ON THE NEW LINKEDIN**

LinkedIn works well if you are in sales or recruiting but what about the rest of us? How can we [maximise the benefit](#) of being up there? With the purchase of Rapportive, it looks as though LinkedIn will become more of a social network tool, taking it even further from its origins as a c.v. repository.

#### **FED STRESS TEST SCORECARD: WHAT THE BIG BANKS ARE DOING NOW**

The results are in from the [Federal Reserve's 2012 Comprehensive Capital Analysis and Review](#) (CCAR) and 15 of the 19 banks required to submit to the exam passed the stress test that included an adverse scenario of 13% unemployment, a 50% drop in equity markets and a 21% decline in housing prices.

#### **FIVE WAYS NEW PROFESSIONALS WANT TO BE LED**

Recently, my organization facilitated a roundtable session with fifteen young professionals. Their main concern was how to advance in a multi-generational workplace. This three hour roundtable was intense, but we successfully identified what these young professionals were really looking for: how to most effectively [teach their baby boomer bosses how they seek to be led](#).

## **J&C Firm News**

\*In a February 17 article in the Jacksonville Business Journal, Charles Jimerson was quoted regarding the impact of a settlement agreement between the nation's largest mortgage services. Click [here](#) to read, "\$26M settlement could flood market with foreclosures."

\*In December's newsletter, we mentioned how one of our clients and their case is receiving national attention. Click [here](#) to see more recent coverage on the case from an interview that our client did for Hard Assets Investor. J&C is currently representing Xun Energy in Federal Court litigation in Illinois with their \$33 million dollar acquisition of oil field leases in West Crockett, Texas.

\*Associate Matt Havice was named Sports Commissioner of the Jacksonville Bar Association and is now in charge of the sports leagues for the JBA. Congrats!

\*Our clerk program continues this spring with the addition of three law students from Florida Coastal School of Law. Welcome to Christian Rogers, Rachel Heidenberg and Tracy Engle!

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