



## COLORFUL LEGAL ADVICE IN BLACK & WHITE TERMS

Businesses turn to Jimerson & Cobb when the stakes are high because of our ability to simplify complexities and achieve inspiring results.

### November News from Jimerson & Cobb

#### The Story of the Lion of Fallujah: A man who would rather live one day as a lion than 100 years as a dog



Each month for our firm-wide meetings, we gather the group together and talk about firm-wide issues. We always conclude our meetings with a quote of the month, which serves as a war cry for our team for that period of time. Last month I chose a catalyst quote my unit in the military adopted as our call to battle, to be used when the

moment called for it: "*A coward dies a thousand deaths, a soldier dies but one.*"

After the meeting, another Veteran in my office emailed me and shared with me an inspirational quote that was close to her heart as a service member: "*I'd rather live one day as a lion than 100 years as a dog.*"

That quote can be attributed to the late Maj. Douglas A. Zembiec, an honorable Marine and CIA operative who was untimely killed in action in 2007 at the age of 34. Zembiec is credited with saving 25 men on the night of his death, and for his heroism, he was later awarded the Silver Star. Zembiec was a warrior, and an outspoken one at that, heralding a firefight during the battle of Fallujah in 2004 as "the greatest day of [his] life."

Among his Marines he was known for his humility and fearlessness. He was the company commander for Echo Company, 2nd Battalion, 1st Marines, and during the first battle of Fallujah he led from the front, rallying his men and directing

#### In This Issue

[Christopher Cobb Elected Chair of the Florida CILB](#)

[J&C to Host Open House for E-Discovery Day](#)

[Jimerson and Meadows to Teach Lender Policy Webinar](#)

#### J&C Blogs

[Florida Construction Law Blog](#)

[Florida Condominium Law Blog](#)

[Florida Business Litigation Blog](#)

[Florida Eminent Domain Law Blog](#)

[Firm News](#)

#### Connect With Us



#### Join Our Mailing List

#### Business Spotlight:



The LBA Group has been serving customers in the Jacksonville area since 1966.

As the largest locally-owned CPA and consulting firm in Northeast Florida, the LBA Group makes it their goal to provide exceptional

fire in the most dangerous moments of the Iraq war. He earned a Bronze Star and Purple Heart in that battle. As read directly from his award of Bronze Star with Combat Distinguishing Device, the Marine Corps honored him, stating:

"On two occasions, Captain Zembiec coordinated the actions of the Marines from atop a tank while rocket-propelled grenades and enemy small arms fire impacted all around him. Wherever the battle raged with intensity, Zembiec could be found inspiring Marines to aggressively repel the enemy's determined assault.."

He was already wounded badly before he jumped on that tank.

For all Zembiec's accolades, he was always more comfortable talking about his Marines' deeds rather than his own. "My men fought like lions and killed many insurgents. The valor and courage of the Marines was magnificent," Zembiec wrote in a letter to his wife after the battle. "The Marines fought with such ferocity that any Marine who went before us would have been proud." It was his frequent references to his Marines as lions that earned him the nickname the Lion of Fallujah.

Upon losing one of his brothers in arms in battle, then Captain Zembiec wrote to the parents of the fallen hero stating:

"Your son was killed in action today. Despite intense enemy machine gun and rocket propelled grenade fire, your son fought like a lion. He remained in his fighting position until all his wounded comrades could be evacuated from the rooftop they were defending. It was during his courageous defense of his comrades that Aaron was hit by enemy fire.... With the exception of the Marines on Security, every man in the company attended the service. Aaron was respected and admired by every Marine in his company. His death brought tears to my eyes, tears that fell in front of my Marines. I am unashamed of that fact."

Douglas Zembiec was an All-American wrestler, a 1995 graduate of the Naval Academy, and the charismatic commander of Echo Company. During the month-long battle in Iraq in 2004, no combat unit did more fighting and bleeding than Echo Company, and during it all -- from the opening assault to the final retreat ordered by the White House -- Zembiec led from the front. He took on the most dangerous missions himself, was wounded by shrapnel, repeatedly dared the enemy to attack his Marines, then wrote heartfelt letters to the families of those who were killed in combat, and won the

accounting, consulting and wealth advisory services to their clients. They serve customers in numerous industries, including manufacturing, construction, real estate, healthcare, and professional services, to name a few.

Jimerson & Cobb is proud to work with [The LBA Group](#), and wishes them continued success throughout the year.

respect of his troops and his bosses. He was neither bellicose nor apologetic, saying "[W]ar means killing, and killing means winning. From day one, I've told [my troops] that killing is not wrong if it's for a purpose, if it's to keep your nation free or to protect your buddy. One of the most noble things you can do is kill the enemy."

Shortly after Zembiec's return from Iraq, he and his father were driving separately onto Camp Pendleton, in California. When his father pulled up to the gate, the Marine on duty looked into the vehicle and asked, "Are you Captain Zembiec's father?" Mr. Zembiec nodded yes. "I was with him in Fallujah," the Marine continued. "And if we had to go back in there, I'd follow him in with a spoon."

When he was featured in the LA Times as an unsung war hero in 2004, Marines from his unit were interviewed for the story or otherwise commented on their own volition in the comments section of the story online, stating:

"I served with Capt. Zembiec. I was a Scout/Sniper that was with him and Echo Company. I was awarded the Silver Star for my actions in Fallujah. I would die for this man. I only wish people could see what this man did for his Marines." - Ethan Place

"I was one of his platoon commanders at the time, and I know that he earned our respect and admiration. Our Marines couldn't imagine following a different company commander. Major Zembiec will always be an inspiration to me, no matter what I am doing." - Edward Solis

"There is no one better to go to war with." - Sergeant Major William S. Skiles (Echo Company First Sergeant in 2004)

"The love of his Marines and the Corps far surpasses anyone else I know. I don't think there are enough words to describe him as an individual." - Captain Darryl Ayers

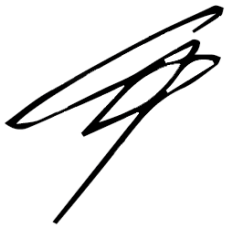
"He's everything you want in a leader: He'll listen to you, take care of you and back you up, but when you need it, he'll put a boot in your..." - Sergeant Casey Olson

"He's not like some of these other officers: He leads from the front, not the rear." - Lance Corporal Jacob Atkinson

"Doug is the prototypical modern infantry officer. He's also not that much different than the officers who led the Spartans into combat.." - Lt. Col Joseph Clearfield

Reading those quotes, I think I now understand what Henry Ford meant when he said "You can't build a reputation on what you're going to do." The Lion of Fallujah's well-earned reputation is one of a warrior poet.

Regretfully, the Lion has taken his place in the long line of patriots who consecrated the grounds of Arlington National Cemetery. It is now a place of peace and honor for a war fighter who dedicated his life to his nation's battles. He was buried in the soil of the nation he loved. Now, among rows of white stones on green fields, the Lion is at rest. May his memory, and the memory of all those who have given their all never fade.



Charles B. Jimerson, Esq.

## **Christopher Cobb Elected Chair of the Florida CILB**



Christopher Cobb, a name partner and co-founder of J&C, has been elected to serve as Chairman of the Florida Construction Industry Licensing Board! The CILB is a division of the Department of Business and Professional Regulation and meets regularly to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to both. Chris will lead the organization beginning in 2017.

Chris, who just finished his term as the Board's Vice-Chair, has an extensive background in construction law. Not only has he earned Board Certification in that practice area from the Florida Bar, but he has also been named to the Florida Super Lawyers list for construction law every year for the past eight years. At J&C, we like to encourage our attorneys to get involved in the industries they serve, so we are so proud that Chris has been selected for this honor. Congratulations, Chris -- we know you'll do great!

## **J&C to Host Open House for E-Discovery Day**



On Thursday, December 1st, Jimerson & Cobb will be teaming up with [ACEDS Jacksonville](#) to host a full-day Open House, sponsored by Exterro, to celebrate E-Discovery Day! J&C will stream various live webinars throughout the day from our firm's conference room.

This free event will take place from 11 a.m. through 7:30 p.m. Snacks and drinks will be provided by Exterro. To register and view a complete list of the webinars that we will be streaming, check out our event registration page at the link below.

[Register Here](#)

## Jimerson and Meadows to Teach Lender Policy Webinar



Financial institutions often receive requests and demands for financial records that they must comply with, lest they become liable to civil or criminal penalties. It is vital that such institutions have the proper policies and procedures in place in order to respond quickly and efficiently.

On Tuesday, November 29th, our own Charles Jimerson and Brandon Meadows will host a live webinar - courtesy of Lorman Education Services - which will impart valuable knowledge regarding lender policies and procedures for subpoenas, summons and third-party demand requests. Participants will receive CLE credit, which will include 0.5 credits towards their Certificate of Banking Compliance.

The webinar will take place from 1:00 p.m. to 2:30 p.m., and as our gues, you are eligible to receive 50% off the registration fee! To register, simply click the link below, and during checkout, enter the discount code: **G6277335**.

Please remember to save the date, and we look forward to having you in attendance!

[Register Here](#)

## Check Out Our 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](#)
- [Florida Eminent Domain Law](#)

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



### Conditional vs. Unconditional Payment Bonds in Florida

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

A payment bond is a security posted by the general contractor that ensures that payments will be made to subcontractors, sub-subcontractors, and material providers for services or products provided on private and public construction projects. The amount posted to exempt the owner needs to be in at least the amount of the original contract. While payment bonds are most commonly associated with public projects, which are governed by Chapter 255 ("Florida's Little Miller Act"), Chapter 713 governs payment bonds on private construction projects. In such case, there are two types of bonds that can be obtained to exempt an owner. This blog post will cover general considerations for unconditional and conditional payment bonds.

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

### What Are Consequential Damages on a Construction Contract?

By: [Charles B. Jimerson, Esq.](#) and [Kayla A. Haines, Esq.](#)

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

### Riparian Rights in Florida: The Right to Accretions and Relictions

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

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

## Florida Condominium Law Blog



## Chapter 13 Bankruptcy: How Does it Affect Condominium Associations?

By: [Adam B. Edgecombe, Esq.](#)

Condominium owners' associations are unique under Florida law-particularly when it comes to the collection of delinquent assessments and liability. The already complicated bankruptcy process thus becomes even more complex when a condominium owner with unpaid assessments is involved. Assessments that arose prior to the filing of the bankruptcy petition are subject to discharge in the bankruptcy. But, the question then arises as to whether or not the unit owner is liable for post-petition assessments. While an owner/debtor who files for Chapter 7 is personally liable for assessments arising post-petition, there is a split in authority among Florida's bankruptcy courts as to whether a unit owner remains personally liable for assessments when he or she files Chapter 13.

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

---

## Requirements to Challenging an Association Through Arbitration

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

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

## Florida Business Litigation Blog



### Electronic Evidence, eDiscovery Case Law, and the Attorney's Role - Part I

By: [Suzanne H. Clark, Esq.](#)

The purpose of discovery within litigation is to uncover and ascertain the facts of a matter in order to argue the law based on those facts, and ultimately resolve the dispute before the court. In today's world, evidentiary facts are often in digital form. The Internet of Things[1] connects common objects in our homes, places of work, and all points in between to the internet as information gathering sources. (Home alarm systems are a great example, which can track who arrives and departs from home and when; assigning distinct codes to each member of a household and sending text messages when the alarm is armed or disarmed.) Further, when people are moving from one place to the next, a large majority carry computers (mobile devices) around with them. For example, our smart phones tell us (and anyone else with access to our device) the best route to take to work and track where we park our cars. We are constantly plugged in, and

therefore constantly creating a record of everything we do in what becomes digital/electronic evidence that is relevant if and when litigation arises. For more examples of electronic evidence, consider black boxes in vehicles, sensors, security cameras, home appliances, social media, websites, mobile devices, text messages, voice mail messages, chat history, e-mail, electronic documents and spreadsheets, mobile apps and games, and more. Handling all of this electronic evidence within the context of litigation is called Electronic Discovery ("eDiscovery" or "E-Discovery").

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

## Jury Instructions in Florida Contract and Business Disputes

By: [Charles B. Jimerson, Esq.](#) and [Kayla A. Haines, Esq.](#)

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

## Are Letters of Intent Enforceable in Florida?

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

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

## Florida Eminent Domain Law Blog



### Eminent Domain in Florida: Recovery of Attorney Fees

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

Roadwork and other governmental projects are prevalent in Florida and often require the government to acquire private property. Both the Florida Constitution and the United States Constitution provide that no private property shall be taken for a public purpose without full compensation. A land owner's constitutional right to full compensation for property taken by the government includes the ability to recover reasonable attorneys' fees in the process. *JEA v. Williams*. The ability to recover attorneys' fees, even in pre-suit negotiations, is an important consideration for owners when dealing with a government entity seeking to acquire the owner's real property.

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



Interested in reading more blog posts? Subscribe via [RSS Feed](#) or via [email](#) for one or all of our blog feeds. You can also peruse our archives [here](#).

## Firm News

Curiosities, ruminations and various eccentricities of firm biz.

### It's Great to Be a Florida Liti-Gator

Every year the end of October brings with it a mass migration of college football fans to



Jacksonville for the annual Florida-Georgia game. This year, J&C decided to host one epic tailgate party! We had games, live music, drink stations, TVs, and delicious food from Potter's House Soul Food Bistro! The event was even bigger and better than we could have imagined, and the Florida win was just the icing on the cake. Thanks again to everyone who was able to join us, and for those who weren't able to make it, there's always next year!

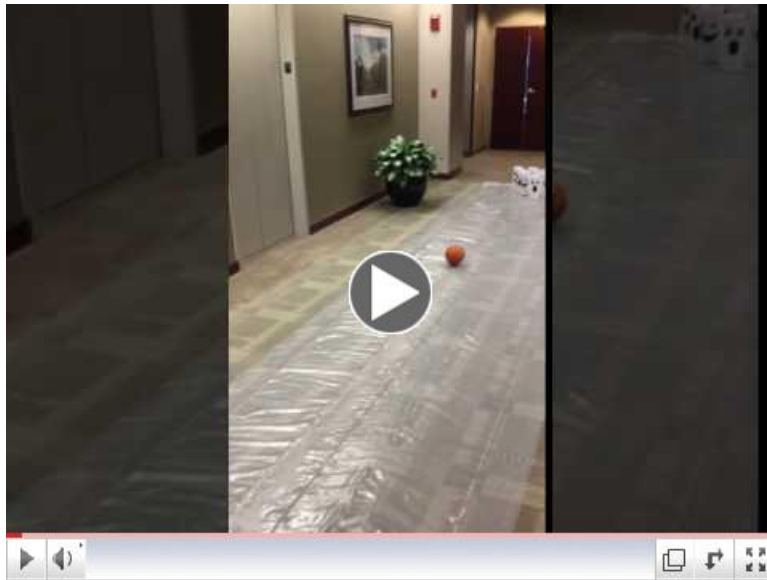


### **It's Pumpkin Bowling, Charlie Brown**

In keeping with the annual fall tradition of adding pumpkin to literally everything, this past month, J&C held its own Pumpkin Bowling tournament! For this Halloween-inspired event, we put a round, orange spin on traditional bowling by using pumpkins in place of bowling balls. Paper towel rolls decorated to look like ghosts were used as pins.

After dividing everyone up into two groups, we set the mood with some Halloween music

and began taking turns knocking the ghosts down. For some, the pumpkins proved tricky to navigate, but still others made it look easy scoring strikes and spares. After several rounds, we compared scores and found that Joby Birr was the clear champion. Overall, we'd have to say that the event was a smash -- even for the pumpkins!





Jimerson & Cobb, P.A.  
Wells Fargo Center  
One Independent Drive, Suite 1400  
Jacksonville, FL 32202  
Telephone (904) 389-0050 Facsimile (904) 212-1269  
[www.JimersonCobb.com](http://www.JimersonCobb.com)  
[info@jimersoncobb.com](mailto:info@jimersoncobb.com)

Quick Links

[About Us](#) | [What We Do: Practice Areas](#) | [Who We Serve: Client Industries](#)  
[Attorneys](#) | [Blog and Resources](#) | [News & Press](#) | [Contact Us](#)

Copyright © 2016 Jimerson & Cobb, P.A., All rights reserved.