



**JIMERSON & COBB, P.A.**

## September News from Jimerson & Cobb



Every year as the anniversary of 9/11 comes around, like many across the world, I reflect on the memories of that fateful day. As Americans, we reflect on where we were, what we were thinking and the moment we knew things had changed forever. We listen to the heroic stories of that day, of the compassion of complete strangers and the selflessness of so many. We hope that those who deserve peace and comfort have obtained that with the passage of time.

I loathe the day that I have to explain to my children the atrocities that occurred that day, but in that same conversation, I hope to impart the outpouring of humanity that enveloped not only our country, but the world. There are those stories that we hear year after year (and never tire of hearing) and then there are those stories that somehow bypassed us without their due reverence. Recently I read about a new story written by crew member who was in a plane that was diverted that touched me and I wanted to share. I could try to paraphrase the story, but it is probably best told from someone who was there. Forgive the length, but I do not want to skip any detail.

*We were about 5 hours out of Frankfurt flying over the North Atlantic and I was in my crew rest seat taking my scheduled rest break. All of a sudden the curtains parted violently and I was told to go to the cockpit, right now, to see the captain. The captain handed me a printed message. The message was from Atlanta, addressed to our flight, and simply said, "All airways over the Continental US are closed. Land ASAP at the nearest airport, advise your destination." It was quickly decided that the nearest airport was 400 miles away, behind our right shoulder, in Gander, on the island of New Foundland in Canada. The captain informed the passengers that the flight was experiencing mechanical problems.*

*After we parked on the ramp the captain made the following announcement. "Ladies and gentlemen, you must be wondering if all these airplanes around us have the same instrument problem as we*

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*have. But the reality is that we are here for a good reason." Local time at Gander was 12:30 pm. (11:00 AM EST) In the next hour or so all the airways over the North Atlantic were vacated and Gander alone ended up with 53 airplanes from all over the world, out of which 27 were flying US flags.*

*Gander airport told us that our turn to deplane would come at 11 AM, the next morning. That took the last wind out of the passengers and they simply resigned and accepted this news without much noise and really started to get into a mode of spending the night on the airplane. About 10:30 on the morning of the 12th we were told to get ready to leave the aircraft.*

*The town of Gander has a population of 10,400 people. Red Cross told us that they were going to process about 10,500 passengers from all the airplanes that were forced into Gander. We were told to just relax at the hotel and wait for a call to go back to the airport, but not to expect that call for a while. We found out the total scope of the terror back home only after getting to our hotel and turning on the TV, 24 hours after it all started. Meanwhile we enjoyed ourselves going around town discovering things and enjoying the hospitality. The people were so friendly and they just knew that we were the "Plane people". We all had a great time until we got that call, 2 days later, on the 14th at 7 AM. We made it to the airport by 8:30 AM and left for Atlanta at 12:30 PM arriving in Atlanta at about 4:30 PM. (Gander is 1 hour and 30 minutes ahead of EST, yes!, 1 hour and 30 minutes.) But that's not what I wanted to tell you. What passengers told us was so uplifting and incredible and the timing couldn't have been better.*

*We found out that Gander and the surrounding small communities, within a 75 Kilometer radius, had closed all the high schools, meeting halls, lodges, and any other large gathering places. They converted all these facilities to a mass lodging area. Some had cots set up, some had mats with sleeping bags and pillows set up. ALL the high school students HAD to volunteer taking care of the "GUESTS".*

*Our 218 passengers ended up in a town called Lewisporte, about 45 Kilometers from Gander. There they were put in a high school. If any women wanted to be in a women only facility, that was arranged. Families were kept together. All the elderly passengers were given no choice and were taken to private homes. A young pregnant lady was even put up in a private home right across the street from a 24 hour Urgent Care type facility. There were DDS on call and they had both male and female nurses available and stayed with the crowd for the duration. Phone calls and emails to US and Europe were available for everyone once a day.*

*During the days the passengers were given a choice of "Excursion"*

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trips. Some people went on boat cruises of the lakes and harbors. Some went to see the local forests. Local bakeries stayed open to make fresh bread for the guests. Food was prepared by all the residents and brought to the school for those who elected to stay put. Others were driven to the eatery of their choice and fed. They were given tokens to go to the local Laundromat to wash their clothes, since their luggage was still on the aircraft.

In other words every single need was met for those unfortunate travelers. Passengers were crying while telling us these stories. After all that, they were delivered to the airport right on time and without a single one missing or late. All because the local Red Cross had all the information about the goings on back at Gander and knew which group needed to leave for the airport at what time. Absolutely incredible.

When passengers came on board, it was like they had been on a cruise. Everybody knew everybody else by their name. They were swapping stories of their stay, impressing each other with who had the better time. It was mind boggling. Our flight back to Atlanta looked like a party flight. We simply stayed out of their way. The passengers had totally bonded and they were calling each other by their first names, exchanging phone numbers, addresses, and email addresses. And then a strange thing happened. One of our business class passengers approached me and asked if he could speak over the PA to his fellow passengers. We never, ever, allow that. But something told me to get out of his way. I said "of course". The gentleman picked up the PA and reminded everyone about what they had just gone through in the last few days. He reminded them of the hospitality they had received at the hands of total strangers. He further stated that he would like to do something in return for the good folks of the town of Lewisporte. He said he was going to set up a Trust Fund under the name of DELTA 15 (our flight number). The purpose of the trust fund is to provide a scholarship for high school student(s) of Lewisporte to help them go to college. He asked for donations of any amount from his fellow travelers. When the paper with donations got back to us with the amounts, names, phone numbers and addresses, it totaled to \$14.5K or about \$20K Canadian. The gentleman who started all this turned out to be an MD from Virginia. He promised to match the donations and to start the administrative work on the scholarship.

How about that, huh? I checked and the scholarship exists to this day. Here is a [link](#) to it. There was even a book written about this by Jim DeFede titled, "The Day the World Came to Town: 9/11 in Gander, Newfoundland."

What an incredible story. In tragedy comes triumph.

Very truly yours,



Charles B. Jimerson

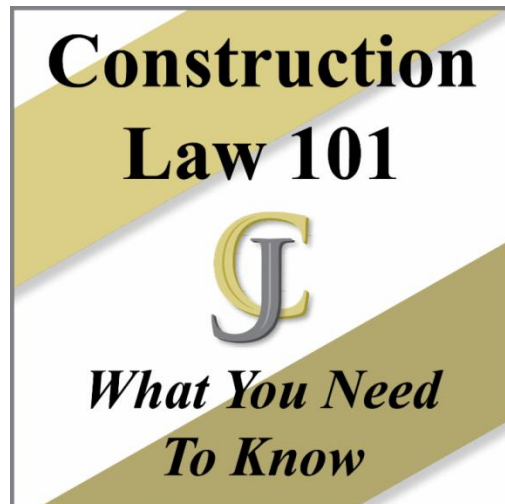
## J&C to Host Construction Law Seminar

Jimerson & Cobb is offering a specialized course designed for contractors that will cover the construction licensing process, construction liens/bond law, construction defects as well as detailed provisions in construction contracts.

This free, informative course provides participants with 4 CE credits (1 hour Laws & Rules, 1 hour Business Practice, and 2 hours General) and a wealth of knowledge.

The course will be held on Thursday, October 29th from 9:00 am to 2:00 pm in the auditorium of the Wells Fargo Center in Downtown Jacksonville. We will also be providing a delicious lunch for all attendees.

If you are interested in attending, please click [here](#) for registration information or [here](#) to view the seminar flyer.



## J&C 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](#)

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

#### Riparian Rights in Florida -Florida Law Concerning Docking and Wharfing

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

Ownership of waterfront property is very desirable in Florida and often involves unique real property considerations. When it comes to private waterfront property ownership, it can be difficult to distinguish where the private land rights cease and the sovereign land ownership begins. As a result, a subset of real property law has emerged to address what is called "riparian rights." Riparian rights include the rights of ingress, egress, docking, boating, bathing, fishing and even the right to an unobstructed view of the water.

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

### **Protecting Property Interests and Rights in Eminent Domain Actions and Government Takings: Part IV**

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

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

### **Material Supplier Construction Lien Rights: Lien Releases**

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

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

## **Florida Condominium Law Blog**

### **Condominium Special Assessments in Florida: Understanding the Business Judgment Rule**

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

Special assessments, under the Florida Condominium Act, are those assessments imposed against condominium unit owners, other than those assessments required by the association's annual budget. See 718.103 (24) of the Florida Statutes. Regular assessments, on the other hand, are fees collected from condominium unit owners for the payment of common expenses of the association. See 718.103 (1) of the Florida Statutes. If a condominium board votes to pass a special assessment, such a decision will be subject to the business judgment rule. See *Cedar Cove Efficiency Condominium Association, Inc. v. Cedar Cove Properties, Inc.*, 558 So. 2d 475 (Fla 1st DCA 1990). If that judgment is properly exercised, a Florida court will not supplement its judgment for that of the board.

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

## **Florida Business Litigation Blog**

### **Businesses Have Standing to Sue Under the Florida Deceptive and Unfair Trade Practices Act**

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

A recent decision from the Fourth District Court of Appeals marks one of the first Florida appellate opinions holding that non-consumers may maintain a cause of action under the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"). Given the broad-and almost limitless-scope of "unfair or deceptive acts or practices in the conduct of any trade or business" prohibited by the act, some could foresee this decision as a precursor to FDUTPA claims being asserted by nearly every commercial litigant. Fortunately, the 4th DCA clarified the parameters on FDUTPA claims: while a claimant need not be a consumer to bring a FDUTPA claim, the claimant must still prove an injury or detriment to consumers to establish liability.

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

### **Pleading The Fifth Amendment Against Self-Incrimination In Civil Cases Filed In Florida**

By: [D. Brad Hughes, Esq.](#)

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

## Recovery of Attorneys' Fees - Part I: Key Considerations in Attorneys' Fee Provisions of Contracts

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

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



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## Results Driven

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

\*Collect judgment in full for construction materials supplier.

\*Filed arbitration petition on behalf of condo owners contesting the developer turnover and election.

\*Successfully Compelled Arbitration in FDUTPA Claim Despite Argument Arbitration Clause was Invalid under Duval Motors.

\*Argued motions to dismiss in arbitration matter.

\*Prepared petition to Value Adjustment Board to contest ad valorem tax assessments on residential property.

\*Engaged to represent life insurer in application misrepresentation and insurance fraud case.

\*Filed complaint for declaratory judgment concerning developer's right of first refusal to development property.

\*Argued motion for summary judgment in construction defect case.

\*Successfully Settled FDUTPA Claim Brought Against Lender, Under the Holder Rule, for Liability Solely Derivative from Dealer's Acts.

\*Analyzed thousands of developer documents in construction defect matter.

\*Engaged to facilitate closing transaction for the purchase and sale of a commercial development.

\*Gave Legislative Update on Community Association Law to Group of 25 Community Association Managers.

\*Negotiated settlement between Georgia small business owner and lender involving loans on commercial and residential properties.

\*Retained to prosecute commercial collection of

\*Retained by Subcontractor to Respond to a 558 Notice Sent to 35 Parties Claiming Substantial Construction Defects in Condominium Complex.

\*Negotiated remodeling contract for residential construction project.

\*Successfully argued complex motion to compel discovery and document production in multi-million dollar arbitration.

\*Engaged to defend national medical goods supplier from bankruptcy trustee's demand to turnover property of the estate.

\*Engaged in mediation on commercial construction project.

\*Filed Declaratory Judgment Against Servicer and Fannie Mae Regarding Priority of a Recorded Right of First Refusal.

\*Obtain pro hac vice admissions to represent general contractor

\*Retained to prosecute construction lien foreclosure action.

\*Retained to Defend FLSA Claim.

\*Prepared settlement agreement involving government construction project.

insurance agent advances.

\*Successfully Settled Commercial Lawsuit Relating to Sums Allegedly Due from Advertising Agreement.

\*Provide counsel to franchisee regarding termination of franchise agreements.

in pending South Carolina actions pertaining to troubled construction project.

\*Retained to challenge retention of security deposit in commercial lease.

## Client Focus: TriNet

A monthly feature on one of our valued clients.



TriNet provides HR solutions to small to mid-sized businesses. Their bundled HR products, TriNet Cloud applications and strategic services simplify a company's HR. Tailored by industry, TriNet's bundled HR products cover the core services of payroll, benefits, risk & compliance, an HR team and a cloud platform.

TriNet partners with more than 11,000 clients (as of 06/30/15) in a variety of industries. They managed more than \$25 billion in payroll and payroll taxes in 2014.

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

## Firm News

Curiosities, ruminations and various eccentricities of firm biz.

### Crafting & Cocktails

We celebrated National Whiskey Sour Day and Children's Eye Health and Safety month all in one fun event! We sipped on cocktails while showing off our artistic abilities by decorating little fish and gavels that will be used as oculars for children to use during eye exams. These oculars were donated to the group Service for Sight, a foundation run by Delta Gamma Fraternity. Our very own, Samantha Trance, is a sister of Delta Gamma and made sure our adorable oculars made it safely to the children that need them.





### New J&C Employee

Please join us in welcoming our new employee, Edward Ford!

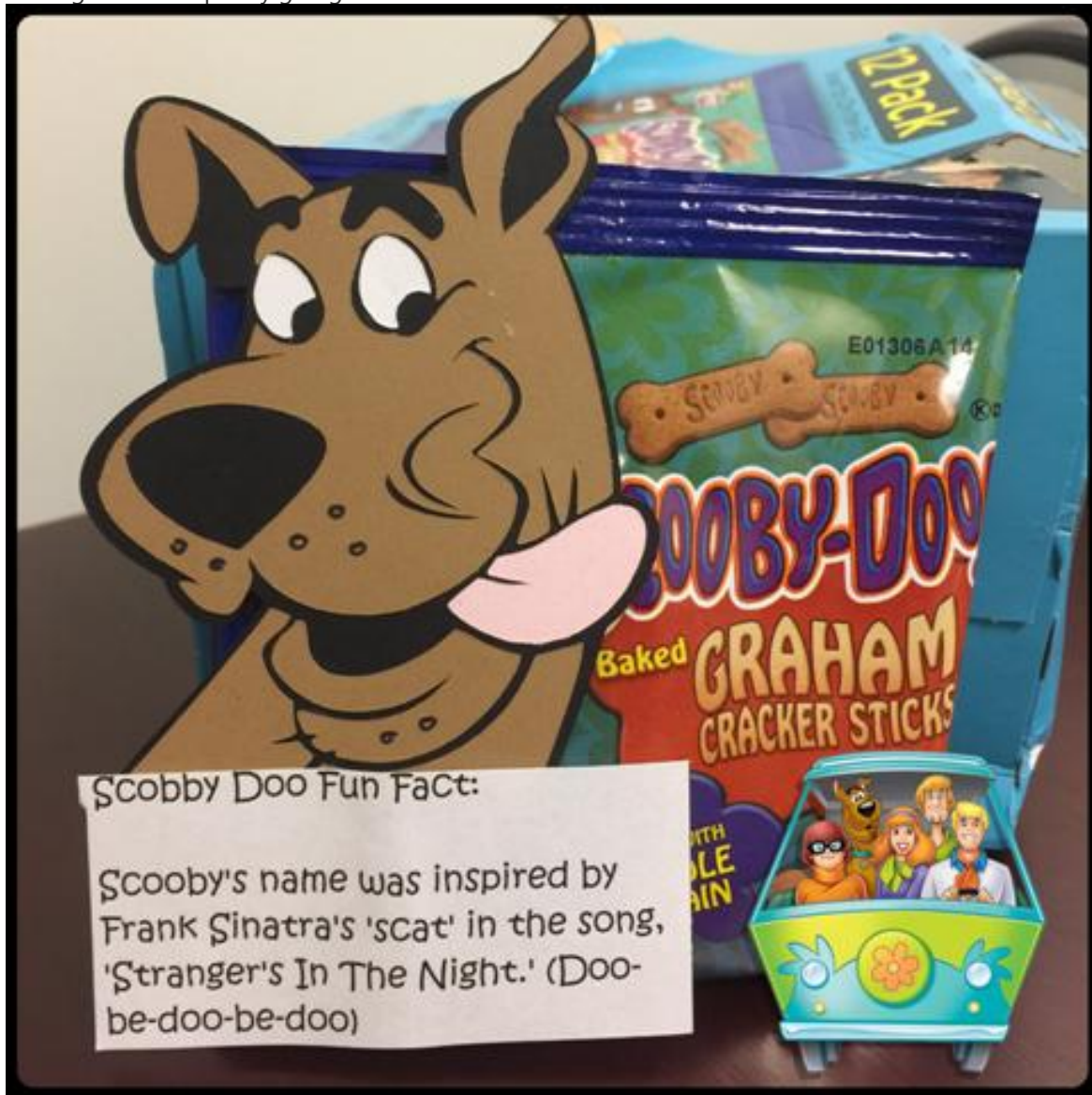
Edward has joined our firm as our new part-time file clerk. Originally from Newnan, Georgia, he graduated from Georgia Southern University with a degree in Justice Studies. Before moving to Jacksonville, he interned with the Statesboro Police Department. Edward also happens to be the brother of our new receptionist, Morgan! In his free time, he enjoys recording music, fishing and playing disc golf.





## Scooby-Doo, Where Are You?

He's here at J&C! Scooby Doo stopped by to celebrate Scooby Doo day with us by sharing some yummy scooby snacks and little-known fact about himself! He had to time to pose for a quick photo but then Scooby and the gang had to jump in the Mystery Machine and rush off to investigate some spooky goings-on.



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