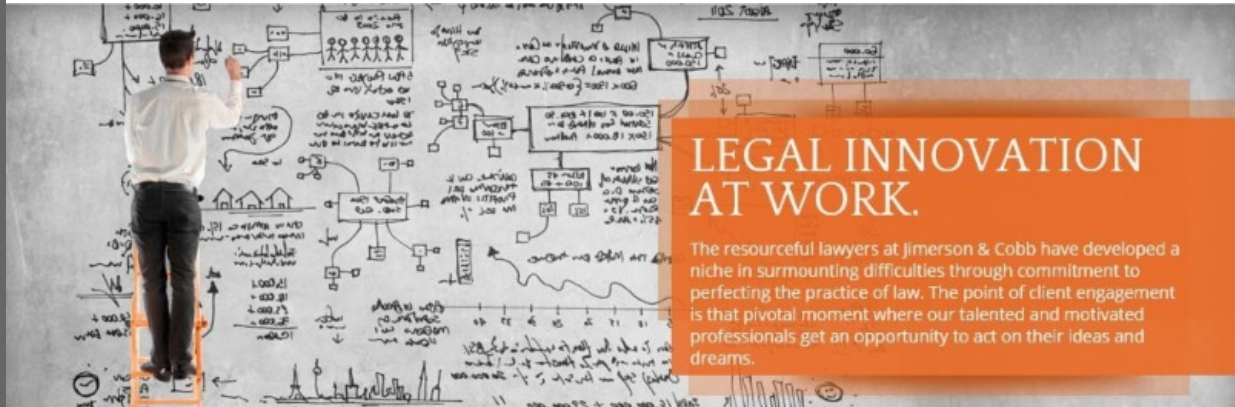




JIMMERSON & COBB, P.A.



LEGAL INNOVATION AT WORK.

The resourceful lawyers at Jimerson & Cobb have developed a niche in surmounting difficulties through commitment to perfecting the practice of law. The point of client engagement is that pivotal moment where our talented and motivated professionals get an opportunity to act on their ideas and dreams.

Featured in the May 2017 Issue

- J&C Attorney plays vital role in Technology and Professionalism Conference at TPC
- J&C Welcomes Our Summer Law Clerks
- New Blog Posts
- Firm News

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You don't need to look far to find negativity these days. Scroll the headlines or turn on your TV and you could quickly come to the conclusion that we live in a dark and angry place. You know it doesn't have to be that way, right? You and I can change that- both in the way we view the world and the way we choose to walk through it.

Call me hardheaded, but no one will ever convince me that it is anything but our own personal decision to stay positive in our temperament and approach to life. Any one of you reading this message will make hundreds to thousands of decisions today and every day after. Most of them mundane circadian choices- when to wake up, what to wear, what to eat, what to work on and what to put off for another day, what to watch, read or listen to. We can't get away from making choices. Why don't we simply choose to be more

positive?

The world around us may be negative – and we hear it daily – food prices rising, economy getting

worse, domestic security threats, inflation on the rise, political savior du jour is rotten and on and on it goes. But it is our personal choice how we live in this life. We can choose to see the good in things, the good in people, the good in our country, the good in our careers. We don't have to accept what the world is offering—we don't have to live like the world is living. We create our own surroundings by our thoughts, our decisions and our actions. We attract the same kind of people that we tend to be. If you find yourself thinking about the negative things in life, then look around you. If there is negativity around you, fix it. When you fix your way of thinking, you'll find the problems often fix themselves.

So... in case you forgot to remind yourself this morning: your butt is perfect, your smile lights up the room, your mind is remarkably sharp, you are loved by many and you are doing an amazing job at life. You're going to be a smashing success today, if for no other reason than because you believe you will. Every day may not be great, but there is something good in every day. Find it. Be grateful for it when you see it.

Lastly, if you want to turn your day around today, take a look at this video of our very own, Paralegal Samantha Braswell at her wedding this past weekend. Sammie is a force multiplier when it comes to her perpetual optimism. This jam sesh with her gals is the perfect example of her fun-loving spirit and what makes her perspective on life so valuable to our J&C team. She may be seen here singing a corny early 90's pop song, but I can attest she lives the message. She is indefatigably cheerful. She is someone we choose to surround ourselves with. Someone who is often our reason to smile and someone who can motivate us to do better, even if it means resorting to hackneyed, melodramatic pop to lift our spirits. Sammie's outlook on life makes me want to do better for my family, friends and clients. The world needs more full grown Disney princesses like Sammie in our lives.

Until next time, hold on for one more day. Things will go your way if you do.

Very truly yours,

Charles B. Gimerson



Congratulations to the happy couple!

Mrs. Braswell, we wish you a lifetime of happiness, always being right, and more 90's pop singalongs at every occasion.

Suzanne Clark Moderates Conference at TPC

This month, J&C associate [Suzanne Clark](#) was invited to moderate a panel discussion at the second annual Professionalism Conference at The Players Championship.

The panelists discussed the various challenges facing attorneys in the realm of technology, from handling of electronic evidence to defending against cyber security threats in order to protect client data, as well as ways that attorneys can



comply with new rules governing how lawyers utilize technology.

Suzanne is Chair of the JBA's Legal Technology Committee, a member of the Florida Bar Business Law Section's E-Discovery and Digital Evidence Committee, and is also Vice President of the Jacksonville Chapter of the Association of Certified E-Discovery Specialists (ACEDS). Suzanne's nationally recognized expertise evinces Jimerson & Cobb's commitment to embracing the most powerful and cutting-edge technology to better represent and service our clients. Great work, Suzanne!



J&C Welcomes Our Summer Law Clerks

Each summer, Jimerson & Cobb is excited to welcome an energetic, motivated pair of law students who want to contribute their time and effort to our organization and serving our clients. This summer they will be exposed to every aspect of the firm's practice and its attorneys through our multi-faceted training program predicated on academic study, direct legal mentorship and case immersion. This year, our two law clerks, Frankie Velez and Sophie Hayashi, come from University of Florida College of Law.



Meet Frankie Velez

Frankie is a native of Ocala, Florida and received a BS in Political Science and a Master's degree in International Business from the University of Florida. At UF, Frankie played five seasons for the Florida Gator football program, serving two years as the starting kicker. In the 2014 season he was the leading scorer for the Gators. Frankie just finished his second year at UF College of Law and is excited about spending his summer with Jimerson & Cobb.



Meet Sophie Hayashi

Originally from Carmel, Indiana, Sophie moved to Florida when she was 16 to attend IMG Academy in Bradenton, Florida. She then

returned to Indiana to attend Indiana University where she received her BA in Political Science in 2014. While in undergrad she was selected to represent Indiana University at the Naval Academy Foreign Affairs Conference. Sophie also played golf for the Indiana Hoosiers where she placed 8th at the IU Fall Kickoff with a score of 150 (76-74). Sophie, who just finished her second year at UF College of Law, chose to intern at J&C because "I wanted to get hands on experience, learn how to develop and maintain client relationships, and learn what it takes to make it in litigation." Sophie enjoys hiking, working out and traveling to new places.



We look forward to a great summer with Frankie & Sophie.

Please join us in welcoming them to the team!

J&C Legal Blogs

Are you keeping up with the latest information in business and law? J&C publishes weekly blog posts covering topics from construction law, business litigation, eminent domain law, community associations law and everything in between. [Click here to subscribe](#) today and stay up-to-date on the latest legal news from these areas:

- [Construction Industry Law Blog](#)
- [Condominium Law Blog](#)
- [Business Litigation Blog](#)
- [Eminent Domain Law Blog](#)

Construction Industry Law Blog



House Bill 377 Clarifies Date of Completion of the Contract for Statute of Repose — a Legislative Win for Contractors

By: [Austin B. Calhoun](#)

On March 30, 2017, the Florida House of Representatives unanimously passed [House Bill 377](#). The Bill is still working its way through the Senate, but has received a favorable response and is predicted to pass. If it becomes law, HB 377 will amend the construction defect statute of repose to clarify that the "date of completion of the contract" is the date that final payment becomes due, and not the date final payment is actually made.



Why is this will be a legislative win for contractors?

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

Construction Defect Statute of Repose: Post-Closing Punch-list Work May Delay Its Start

By: [Austin B. Calhoun](#)



Florida's Fifth District Court of Appeals is shaking up the construction defect statute of repose once again. A recent 5th DCA opinion implies that the 10-year construction defect statute of repose does not start to run at the closing of a purchase of a newly-constructed home if there remains punch-list work to complete after closing. In essence, the statute of repose would not start to run until the post-closing punch-list work was complete. See [Busch v. Lennar Homes, LLC, 5D16-1626, 2017 WL 1372085, at *2](#)

([Fla. 5th DCA Apr. 13, 2017](#)).

[Click here](#) to read why the *Busch* opinion opens the door for a host of problems for contractors and creates more questions than answers.

Condominium Law Blog



Community Association Reserve Funding: Pooled Method vs. Component Method

By: [Hans C. Wahl](#)

Reserve funding for certain common element items is required for community associations under Florida law. Specifically, condominium associations must fund reserves for roof replacement, building painting, pavement resurfacing and any other item that has a maintenance expense or replacement cost exceeding \$10,000. [Fla. Stat. § 718.112\(2\)\(f\)](#). For homeowners' associations, if the developer initially established reserve accounts or the members affirmatively elect to provide for reserves, then the association must fund those reserve items in future budgets. [Fla. Stat. § 720.303\(6\)\(b\)](#).



Florida law allows for two types of reserve funding, one of which is the pooled method (also referred to as the "cash flow" method) and the other is the component method (also referred to as the "straight-line" method).

[Click here](#) to read key differences between the pooled method and component method.

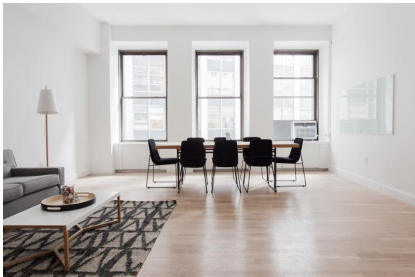
UPDATE!

Community Association Case Law:

Selective Enforcement & Violations When Installing

Hardwood Floors

By: [Christopher M. Cobb](#)



Earlier this year the Third District Court of Appeals narrowed two significant unit owner defenses to enforcement actions, selective enforcement and waiver/ estoppel when it decided [Laguna Tropical, a Condominium Association, Inc. v. Barnave](#), Case No. 3D16-1531 (Fla. 3d DCA January 25, 2017). For more on the doctrine of Selective Enforcement, please review our [October 2014 blog posting](#).

At issue was the enforcement of two restrictions that are typically related –

Internal Alterations and Noise.

[Click here](#) to learn about the association's options.

Business Litigation Blog



Is the LLC Right for Your New Business? Learn the pros and cons of structuring your business as a limited liability company

By: [Kayla A. Haines](#)

So you have decided to follow your dreams and start your own business doing what you love. You have created your business plan and now you are ready to put your plan into motion and start your own company. The next step is to consider which business structure suits your business. As you recall, this is part of the first legal consideration in starting your own business, as discussed in my previous blog, found [here](#).



A business can be structured as a sole-proprietorship, partnership, limited partnership, corporation, S-corporation, or a limited liability company. The limited liability company structure boasts many advantages, but also brings with it some disadvantages to consider.

[Click here](#) to read more about business structures.

The Apex Doctrine: An Update

By: [Adam B. Edgecombe](#)



This author [recently addressed](#) the issue of deposing high level corporate officers, also known as apex employees. That [blog post](#) pointed out that, while the federal courts and some state courts have specifically adopted what is known as the “apex doctrine”, Florida’s courts have not specifically done so; our courts mostly follow the tenets of the doctrine, but it has not specifically been adopted, and some courts decline to follow that principle.



However, a recent decision out of New Jersey (which has also not specifically adopted the apex doctrine) provides further support that the doctrine should be used by Florida’s courts when examining the issue of apex employee depositions. The decision, [HD Supply WaterWorks Group, Inc. v. Director, Division of Taxation](#), from New Jersey’s tax court, involved plaintiff companies challenging the state’s denial of their claims for a refund of their corporate business tax. The companies argued that they were Delaware corporations that were limited partners in Florida limited partnerships and thus were not subject to New Jersey’s taxation.

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

Firm News

Curiosities, Ruminations and Various Eccentric of Firm Biz

Administrative Professionals Week April 24 - 28

At J&C we like to recognize our staff for all the hard work they put into keeping the office running smoothly. They are the "go-to" people to solve problems, answer questions and get things done. Their jobs involve a variety of diverse responsibilities that keep them on their toes at all times.



We treated our staff to a surprise every day of the week to express our gratitude because "thank you" was simply not enough.

On Monday we decided to fuel up for the week ahead with a snack bar that included an assortment of cookies, fruit and chocolate covered almonds from The Great American Cookie Company.



On Tuesday we provided breakfast from Panera to get everyone's day started on the right foot because who doesn't love a good danish.

Wednesday revealed the light at the end of the tunnel - more commonly known as the weekend - so to help everyone recharge for the remainder of the week we encouraged them to stop and literally smell the roses by sending everyone home early.

Thursday is a good day to make plans for the weekend, so we thought it would be nice to make the decision a little easier by providing everyone with movie tickets and popcorn so they can enjoy those summer blockbusters.

We gladly ushered in Friday and honored our staff with a champagne toast complimented by a variety of fresh berries.

This week was our opportunity to express how grateful we are to have such an incredibly dedicated staff who always put forth their best efforts for the firm. THANK YOU for all you do!

*"Next to excellence is the appreciation of it."
- William Makepeace Thackeray*



(J&)Cinco de Mayo

Let's be honest - you never need a reason to eat burritos! We decided to do it in the name of Cinco de Mayo - J&C style! The food was delicious, the company was better, and one added a little extra spice in the style department. Way to keep with the theme, Kayla!



National Police Week

On May 17th we sent an open invitation to JSO officers to join us for lunch to honor their courage and salute their sacrifice while serving our community. We cannot thank our men and women in blue enough for all they do to keep Jacksonville safe.



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