

SHEEHAN PHINNEY

Courtney H. G. Herz

Shareholder | Manchester, NH

A member of Sheehan Phinney since 2005, Courtney represents clients in civil litigation and land use matters.

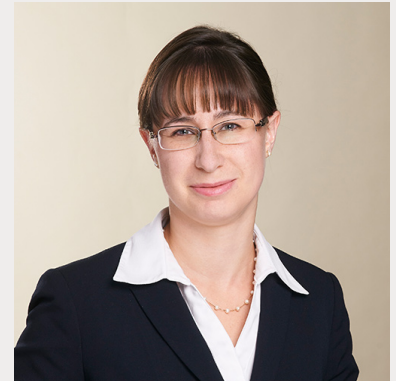
Courtney brings a practical, focused approach to litigation, working together with clients to develop effective strategies for obtaining the best possible outcome to disputes. She regularly counsels clients in connection with the out-of-court resolution of lawsuits, both in the context of formal mediations and in informal negotiations. She also regularly represents clients before state and federal courts, including at trial and on appeal, as well as before administrative bodies, such as the New Hampshire Commission for Human Rights, Department of Labor, and Department of Employment Security. While Courtney handles a wide variety of civil litigation matters, she maintains a particular focus on representing employers in employment disputes and landowners in property lawsuits.

Courtney also serves as co-chair of the Land Use Practice Group at Sheehan Phinney, representing clients before Planning and Zoning Boards throughout New Hampshire in connection with seeking site plan approvals, variances, special exceptions, and more. In that role, she regularly advises clients concerning strategies before municipal boards, and assists clients in defending or prosecuting appeals of board decisions.

Courtney served as the firm's Director of Associate Development from 2013 through 2020, and currently serves on Sheehan Phinney's Diversity, Equity, and Inclusion Committee.

Key Cases

- Following trial, obtained judgment for a New Hampshire business whose equipment had been damaged by a competitor, obtaining monetary and injunctive relief.
- With Sheehan Phinney partner Chris Cole, obtained a defense judgment on behalf of a company against which a former employee asserted claims arising out of a Non-Disclosure, Non-Solicitation, and Non-Competition Agreement.
- With Sheehan Phinney partner Chris Candon, after briefing and oral argument, obtained orders from the Bankruptcy Court for the District of New Hampshire, dismissing a multi-million dollar successor liability action against a local business, and – on appeal – from the United States District Court for the District of New Hampshire, affirming the dismissal.
- Obtained summary judgment in favor of a New Hampshire business that had been defamed by a competitor. The New Hampshire Superior Court's order also found that the competitor's actions violated the state's Consumer Protection Act (entitling the business to recover its attorneys' fees) and that the



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- competitor's rival Consumer Protection Act and antitrust claims against the business were without merit.
- Secured an order from the United States District Court for the District of New Hampshire, dismissing the antitrust and Consumer Protection Act claims of a competitor against a New Hampshire company.
- Successfully represented a New Hampshire-based landowner in a complex quiet title matter involving more than twenty potentially interested parties and claims to the property.
- Following briefing and oral argument, obtained an order from the United States District Court for the Southern District of New York, dismissing a Complaint alleging age and disability discrimination in employment.
- Successfully defended a New Hampshire business against a six-figure wage claim, prevailing at the Department of Labor and defending the appeals to the New Hampshire Superior and Supreme Courts.

Practice Areas

- Appellate Litigation
- Business Litigation
- Labor & Employment
- Mediation & Arbitration
- Zoning, Planning & Land Use

Admissions

- State of New Hampshire
- State of New York
- U.S. Court of Appeals for the First Circuit
- Southern District of New York
- Western District of New York
- New Hampshire Bar Association
- New Hampshire Women's Bar Association

Education

- J.D., Cornell University Law School, *cum laude*
- B.A., Tufts University, *magna cum laude*

Civic Involvement

- Board Member, New Hampshire Legal Assistance
- Campaign for Legal Services Leadership Council
- New Hampshire Bar Association's Committee on Cooperation with the Courts
- Nine-year former member of the Board of Trustees, New Hampshire Children's Trust

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Awards

- Best Lawyers in America®, Commercial Litigation
- Leadership New Hampshire, Class of 2018
- Rising Star by New England Super Lawyers®, Business Litigation
- Sheehan Phinney Kimon S. Zachos Pro Bono Achievement Award, given to an attorney who makes a significant contribution to the firm's pro bono endeavors

Publications

- NH Legal Perspective: What to Expect in Civil Litigation
- Can Parties Recover Their Attorneys' Fees in Litigation?
- NH Legal Perspective: Reimbursement of Legal Expenses Depends on Nature of Case
- NH Legal Perspective: Widespread use of smartphones, tablets creates legal issues