

## Courtney H. G. Herz

Shareholder | Manchester, NH

Courtney serves on the firm's Management Committee as the 'At Large' member for New Hampshire. She is an experienced trial attorney who has obtained favorable judgments for a wide range of clients. Courtney works closely with clients to implement strategies for achieving their particular goals, ranging from assisting clients in negotiating strategic settlements to litigating important issues to conclusion in court.

While Courtney represents clients in all manner of civil litigation, she maintains a particular focus on employer-side employment litigation, including those arising from claims of discrimination and retaliation, and on property-related disputes, including land use appeals, quiet title actions, and dock and water rights cases.

With Sheehan Phinney partner Megan Carrier, Courtney co-chairs the firm's Land Use Practice Group. In that capacity, she works with clients appearing before Zoning and Planning Boards throughout the state, as well as prosecuting and defending land use decisions on appeal in Superior and Supreme Court. Among others, she has represented developers seeking approvals for a hotel, mixed use developments, a drug treatment center, and other businesses, as well as residential uses.

Courtney has practiced at Sheehan Phinney since 2005, serving as the firm's Director of Associate Development from 2013 through 2020. She currently serves on Sheehan's Diversity, Equity, and Inclusion Committee, and has been instrumental in the firm's participation as a founding member of the New Hampshire 1L Diversity Internship Program.

### Key Cases

- Successfully represented client in affirming special exception that client obtained from a New Hampshire municipality's Zoning Board of Adjustment, through re-hearing before the ZBA, and appeals to the Superior and Supreme Courts.
- Following briefing and oral argument to the U.S. District Court for the District of New Hampshire, obtained an order in favor of defendant-client, dismissing plaintiff's False Claims Act retaliation cause of action. 2021 DNH 4 (D.N.H. 2021).
- In a dispute between neighbors concerning ownership of a portion of a parcel of land pending in Rockingham Superior Court, obtained orders dismissing the opposing party's claim and finding that the client owned the land in question.
- Following trial in Merrimack County Superior Court, 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 from the Rockingham County Superior Court on behalf of a company against which a former employee asserted claims arising out of



### Contact Information

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# SHEEHAN PHINNEY

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. 2019 DNH 018 (D.N.H. 2019).
- Obtained summary judgment in favor of a New Hampshire business that had been defamed by a competitor. The Carroll County 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 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. 2014 DNH 127 (D.N.H. 2014).
- 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. Case No. 14-CV-814 (S.D.N.Y. 2014).
- 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 and federal courts
- State of New York, state courts and federal courts for the Southern, Western, and Northern Districts
- U.S. Court of Appeals for the First and Second Circuits
- New Hampshire Bar Association
- New Hampshire Women’s Bar Association

## Education

- J.D., Cornell University Law School, *cum laude*

# SHEEHAN PHINNEY

- B.A., Tufts University, *magna cum laude*

## Civic Involvement

- Chair, New Hampshire Bar Association's Diversity, Equity, and Inclusion Committee (2024 – present)
- New Hampshire Legal Assistance: Board Member (2021-present), Secretary and member of Executive Committee (2023-present)
- Campaign for Legal Services: Large Firm Committee Member (2018-2024), Leadership Council Member (2019-2024)
- New Hampshire 1L Diversity Internship Program Executive Committee Member
- Nine-year former member of the Board of Trustees, New Hampshire Children's Trust

## 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

- Navigating the Legal Landscape of Paper Streets (page 35)
- 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