

SHEEHAN PHINNEY

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John-Mark Turner

Shareholder | Manchester, NH

John-Mark is a business litigator with an emphasis on complex, high-stakes cases. He specializes in class actions, intellectual property litigation, and appellate work, and also has substantial experience in ERISA defense, securities/corporate litigation, and commercial real estate disputes.

He has a long track record of success representing a wide variety of industries and clients including manufacturers, software developers, insurers, schools and universities, professional practices, and online retailers. In addition, John-Mark regularly acts as Special Counsel to the State of New Hampshire. Among other matters, he successfully defended the Pease Tradeport in *Town of Newington v. State*, 162 N.H. 745 (Supreme Ct. 2011), and was lead counsel in *Amanda D. Governor*, a class action suit brought in 2012 challenging the State's community mental health system that was settled in 2014.

Prior to joining the firm, John-Mark served as law clerk to the Hon. Michael Murphy, Circuit Judge for the United States Court of Appeals for the Tenth Circuit. While in law school, John-mark was an Executive Editor for the *California Law Review*.

Key Cases

- *Control Solutions, Inc. v. MicroDAQ.com, Inc.*, 2015 WL 5092593 (D. Oregon 2015): dismissal in favor of defendant accused of trademark infringement through use of Google AdWords
- *Passatempo v. McMenimen*, 86 Mass. App. Ct. 742 (Mass. Appeals Ct. 2014): upholding large jury verdict against insurance company whose agent defrauded insured
- *Starbucks Corporation v. Wolfe's Borough Coffee, Inc.*, 736 F.3d 198 (2d Cir. 2013): judgment for defendant accused by Starbucks of trademark infringement, dilution, and unfair competition.
- *Achille v. Achille*, 117 A.3d 1144 (N.H. Supreme Ct. 2015): upholding trial court restraining order in multi-million dollar divorce case.
- *Kimball Union Academy v. Genovesi*, 165 N.H. 132 (N.H. Supreme Ct. 2013): upholding jurisdiction against engineer sued for professional negligence.
- *Town of Newington v. State*, 162 N.H. 745 (N.H. Supreme Ct. 2011): affirming judgment for State authority sued by municipality over wetlands zoning regulations
- *South Willow Properties, LLC v. Burlington Coat Factory*, 159 N.H. 494 (N.H. Supreme Ct. 2011): affirming eviction and damages claim on behalf of commercial landlord
- *Wright v. R.R. Donnelley & Sons Co. Group Benefits Plan*, 402 F.3d 67 (1st Cir. 2005): affirming judgement in favor of insurer on ERISA claims



Contact Information

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Practice Areas

- Business Litigation
- Appellate Litigation

Admissions

- State of New Hampshire
- United States Tax Court
- United States Court of Appeals for the First and Second Circuits

Education

- J.D., University of California at Berkeley Boalt Hall School of Law
- B.S., University of South Carolina

Civic Involvement

- John-Mark previously served on the Board of Directors of the Farnum Center, a treatment center for individuals dealing with alcohol and substance abuse, and New Hampshire Legal Assistance.

Awards

- New England Super Lawyer, Business Litigation, since 2009

Publications

- When your AdWords keywords land you in court
- Who is Liable for Overweight Truck Fines?
- Software Developers Need to Check Their Insurance Policies
- Supreme Court At-a-Glance
- After a Recent New Hampshire Supreme Court Decision, Businesses Should Take Another Look at Their Commission Agreements With Their Sales Forces
- Physician – Hospital Ambulatory Surgery Center: A Compliance Guide – Part 1