



## Bianca Jagger Ordered Evicted From Park Avenue (Update2)

By Patricia Hurtado

Oct. 18 (Bloomberg) -- Bianca Jagger, the human-rights activist once married to singer Mick Jagger, was ordered evicted from her rent-stabilized Park Avenue apartment after a court found she wasn't eligible for it based on her visa status.

A state appeals court in Manhattan, ruled the landlord of Jagger's apartment, located at 530 Park Ave. in Manhattan, had a right to evict her from the residence after 20 years because her B-2 tourist visa limited her stay in the U.S. to 12 months. The court said that holders of such visas must maintain a permanent residence outside the U.S.

``Under the applicable immigration statute and regulations, the tenant is required to maintain her principal residence in the United Kingdom during her stay in the United States, which is temporary," the court said in a 3-2 decision.

The panel noted that Jagger also failed to file New York state income tax returns in 2003 and 2004. Today's decision was a reversal of a lower court's ruling rejecting the landlord's request for summary judgment to decide the case without a trial.

``The record is devoid of any evidence supporting this tenant's primary residence claim or showing that she is in the United States as anything other than a temporary visitor," the court wrote.

The appeals court today also ordered the case be returned to New York State Supreme Court Justice Leland DeGrasse to determine if Jagger owes legal fees and how much she should pay in back rent for the rent-stabilized residence.

### Mold Infestation

Jagger, 62, has said she's had the apartment for 20 years and moved out temporarily several years ago because it was infested with mold. She has sued the landlord, Katz Park Ave. Corp., claiming the apartment was uninhabitable. That case is pending, according to court records.

Her lawyer, Ryan Goldstein, said today the lawsuit to evict Jagger was filed in retaliation, just after she brought the toxic mold case. He said they were considering filing an appeal of today's decision and that she has continued paying \$4,600 a month into an escrow account for the two-bedroom apartment.

``This was just a small victory for them and was a case brought was definitely retaliation" Goldstein said in a telephone interview. ``This is not a new situation, her status in this country has been the same and her use of this apartment is the same. This action came on the heels of our claim, because of the presence of toxic mold."

Todd Soloway, the landlord's lawyer, said today in a phone interview that his client would seek back rent from Jagger.

‘No Evidence’

``While we appreciate the fact that 530 Park Ave. is a highly desirable address, that does not change the fact that Ms. Jagger was in the country under a temporary tourist visa" said Soloway, who is chief of real estate litigation for Pryor Cashman Sherman & Flynn LLP in New York.

`` She offered the court no evidence whatsoever that she resided in the apartment as her primary residence and is barred, under rent regulations, from using a Park Ave. apartment as a pied a terre" he said.

Jagger, a member of the Executive Director's Leadership Council for Amnesty International USA and a member of the Advisory Committee of Human Rights Watch America, has also spoken out against household hazards like mold.

`` Mold is a dangerous threat, regardless of where one lives or how much rent one pays," Jagger said in a report issued by New York City Public Advocate Betsy Gotbaum in December. `` The havoc mold has created in my life is ample proof of that."

The case is: Katz Park Ave. Corp. v. Bianca Jagger, 104524/2005, filed in the New York State Supreme Court, Appellate Division, First Department (Manhattan).

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