

# Tenderloin Feces Fight Pits Fast-Food Chain Against Southern-Style Restaurant

Jack in the Box denies responsibility for a sewage leak that closed one of SF's oldest blues bars

by **Eve Batey** | Feb 13, 2020, 1:17pm PST



Biscuits and Blues

Since 1995, **Biscuits and Blues** has served up home-style Southern cooking, stiff drinks, and live jazz and blues from its spot at Mason and Geary Streets, making it one of the last blues bars standing in the city. That all came to an end when a pipe ferrying sewage (of the worst possible kind) from a next door Jack in the Box burst last April, closing the spot to clean up the filth left behind. Since then, the family-owned small business has been engaged in a battle with the chain, which says that it isn't responsible for the mess its waste left behind.

**According to American Blues Scene**, operations at Biscuits and Blues have been interrupted for years by leaks in its ceiling — drips from a pipe from a neighboring Jack in the Box franchise owned by Saeed Khan. Khan, who also, the **Chron** noted in 2012, owns two other San Francisco locations of the chain, hasn't even claimed that the pipes

from his restaurant's second-floor restrooms weren't the source of the hazardous waste — and in fact, it was a worker at his establishment who tried to “blast through” a clog on that fateful April day, causing “large holes in the pipes which sent fecal matter and waste water all over the club,” a lawyer for Biscuits and Blues says.

The problem comes when determining who should make amends for the predicament, [the SF Chronicle reported last August](#). According to Jack in the Box's attorneys, though Khan didn't actually take ownership of the Tenderloin Jack in the Box until the late 2000s, the original, 1987 lease the restaurant signed did not specifically say that Jack in the Box was responsible for its plumbing, only for “fixtures” and “furnishings” inside the restaurant.

“The premises are defined as the four walls, the floor, the ceiling, the furnishings and fixtures therein,” Khan's attorney says. “Anything that's in the walls, anything that's on the roof, anything that's underneath is not included within the premises.” It's the landlord, Jack in the Box says, who should fix the fiasco, not them or their franchisee.

The landlord for both restaurants, Meiyen Enterprises Inc., disagrees. In fact, it claims that Jack in the Box needs to repair the damage or consider itself in violation of its lease.

The leak didn't harm Jack in the Box's operations, and the restaurant has remained open — with a 24-hour schedule, in fact — since the befouling incident. Biscuits and Blues wasn't so lucky, however: As the pipes have continued leaking, the club has remained closed. Even worse, owner Steven Suen tells the *Chron*, when workers tried to clean up the mess inside Biscuits and Blues's ceiling, they discovered that the longstanding leaks had caused the area around the pipes to mold. That's why, to push for some sort of resolution, Suen took Khan and Jack to court last July, asking for an injunction that would shut Jack in the Box down until the repairs were made.

That request was denied, but in a ruling [reported by the Chron on Wednesday](#), Jack in the Box has been ordered to “stop any leaks from the refrigerators and freezers up to and including unplugging the appliances.” While the ruling doesn't specify exactly what repairs the fast food spot must make, nor did it say if it must close while making those fixes, the [Chron reports that as of Thursday](#), a sign on the fast food spot's door says that it is “closed due to maintenance until further notice.” The ruling has raised Suen's spirits, it seems, as he now says “I feel like this could be the official start of our countdown to when we're finally back in business.”