

# Noise, violence complaints land a club in court

**The Old City nightspot has been a problem, police say. The owner alleges racism.**

By Linda K. Harris

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Club M in Old City is at the center of a dispute between neighbors and city officials who say it is violent, noisy and a nuisance, and its owner, who says the nightspot is being harassed because its clients are young and black.

Eric van Merkensteijn spent 25 years at the Wharton School of the University of Pennsylvania, where he was a professor and associate dean, before buying his dream project, a nightclub and restaurant at 126 Chestnut St., five years ago.

The dispute has landed him in Common Pleas Court, where a dozen plaintiffs, including the Old City District, neighboring businesses, the consul general of Panama, and Councilman Frank DiCicco, seek relief from what the complaint terms "unreasonable destruction and disruption of the Philadelphia community."

Club M, also called M Lounge, along a strip of international restaurants representing Brazil, India and Afghanistan among other countries, is in the former Middle East Restaurant.

Van Merkensteijn, 57, says the problem is that his club plays hip-hop music, that his landlord wants him out, and that his clientele is mostly 28-to-38-year-old African Americans.

Assistant District Attorney Scott P. Sigman said, however, that Club M is a violent place. "The level of violence is a little bit more extreme than the other places on the block," Sigman said.

"It's a combination of the police coming at us saying, 'We've had a lot of responses.' Then we examined the responses, and we saw violent responses."

Sigman cited 48 police calls to the club in the last six months, including three stabbings and a shooting. Sigman and others say the club's bouncers are not properly trained to handle problems.

As for the assertion of racism, Sigman said, other clubs in the area with African American owners and patrons do not have such problems.

Landlord Samir Benakmoume, one of the plaintiffs, bought the property in the fall. He said that although there were some landlord-tenant issues, they were not what the court case was about.

After several days of hearings, Judge Matthew D. Carrafiello declined to rule yesterday. A decision will be issued next week at the earliest.

If the judge rules for the plaintiffs, he could close the club for a year, revoke its business-privilege license until he deems the nuisance is gone, or let the club operate under his oversight, Sigman said.

Club M is not the only place where violence has flared in Old City, home to more than 90 bars and restaurants. Last April, an associate of Allen Iverson's was wounded during a dispute near Glam, a nightspot on Second Street.

Van Merkensteijn said that when he bought the club in 1999, he hoped to turn it into a nonsmoking jazz club but soon learned his lesson.

"Financially, I just lost my shirt," he said. "After about 18 months, we made the shift to DJ music and smoking allowed. I sell a lot of cigarettes. It's a whole different time now."

Van Merkensteijn said he had developed a nice clientele of young professionals but was still diligent about security.

"We frisk everybody who walks in. We have a dress code. We check IDs," he said.

Cynthia Philo, executive director of the Old City District, said the club had caused a lot of problems.

"Regardless of the outcome, we want people to know that the Old City District doesn't take this lightly," she said yesterday.

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