

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>IN RE:</b>	)	
	)	<b>Chapter 11</b>
<b>BUILDING MATERIALS HOLDING CORPORATION, et al.,<sup>1</sup></b>	)	<b>Case No. 09-12074 (KJC)</b>
	)	
<b>Debtors.</b>	)	<b>Jointly Administered</b>
	)	
	)	<b>Ref. Docket Nos. 654</b>
	)	
	)	

**FEE AUDITOR’S FINAL REPORT REGARDING FIRST INTERIM QUARTERLY FEE REQUEST OF YOUNG CONAWAY STARGATT & TAYLOR, LLP**

Direct Fee Review LLC (“DFR”), appointed and employed as the Fee Auditor in the above-captioned bankruptcy proceedings and acting in its capacity regarding the First Interim Fee Request of Young Conaway Stargatt & Taylor, LLP for compensation for services rendered and reimbursement of expenses as attorneys to the Debtors and Debtors-in-Possession for the period June 16, 2009 through August 31, 2009 (“Fee Request”) seeking approval of fees in the amount of \$173,317.00 and reimbursement of expenses in the amount of \$29,620.83, submits its final report.

**BACKGROUND**

In performance of audit procedures and in preparation of this report designed to quantify and present factual data relevant to the requested fees, disbursements and expenses contained herein, DFR reviewed the monthly fee statements and the Fee Requests, including each of the billing and expense entries listed in the exhibits to the monthly statements, for compliance with 11 U.S.C. § 330, Rule 2016-2 of the Local Rules of the United States Bankruptcy Court for the District of Delaware, as amended February 1, 2009 (“Local Rules”), and the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, issued January 30, 1996 (“Guidelines”).

**DISCUSSION**

For the compensation period of June 16, 2009 through August 31, 2009 Young Conaway Stargatt

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<sup>1</sup> The Debtors, along with the last four digits of each Debtor's tax identification number, are as follows: Building Materials Holding Corporation (4269), BMC West Corporation (0454), SelectBuild Construction, Inc. (1340), SelectBuild Northern California, Inc. (7579), Illinois Framing, Inc. (4451), C Construction, Inc. (8206), TWF Construction, Inc. (3334), H.N.R. Framing Systems, Inc. (4329), SelectBuild Southern California, Inc. (9378), SelectBuild Nevada, Inc. (8912), SelectBuild Arizona, LLC (0036), and SelectBuild Illinois, LLC (0792). The mailing address for the Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

& Taylor, LLP submitted monthly fee applications in the amount of \$173,317.00 as actual, reasonable and necessary and reimbursement of expenses in the amount of \$29,620.83. For the Fee Request period \$842.00 was charged for fee applications.

1. It Local Rule 2016-2 provides in section (d) (vii) that activity descriptions shall not be lumped; each activity shall have a separate description and time allotment. Our procedures applied to the monthly fee applications for June 16, 2009 through August 31, 2009 identified entries with descriptions which do not indicate the time for each activity. We requested that all future applications provide sufficient detail and time allotment for each activity and the firm has agreed to provide such detail. Because we are not making a recommendation for a reduction in the fees for these entries, no exhibit has been included here.
2. Local Rule 2016-2 provides in section (d) that all motions shall include complete and detailed activity descriptions; each activity description shall include the type of activity; each activity description shall include the subject matter and shall be sufficiently detailed to allow the Court to determine whether all the time, or any portion thereof, is actual, reasonable, and necessary. Our procedures applied to the monthly fee applications for June 16, 2009 through August 31, 2009 identified entries which do not provide a complete and detailed task description. We requested that future applications provide sufficient detail for each entry and the firm has agreed to provide such detail. Because we are not making a recommendation for a reduction in the fees for these entries, no exhibit has been included here.
3. Local Rule 2016-2 provides in section (d) (ix) the activity descriptions shall individually identify all meetings and hearings (conferences and conference by telephone), each participant, the subject(s) of the meeting or hearing (conferences and conference by telephone) and the participant's role. We requested that future applications provide sufficient detail for each entry and the firm has agreed to provide such detail. Because we are not making a recommendation for a reduction in the fees for these entries, no exhibit has been included here.
4. During our review we noted many examples of entries that appear to be describe similar or duplicate tasks and we requested that these entries be reviewed by the firm to determine if the tasks are in fact duplicated. After discussions with the firm and after receiving additional information we have determined that the entries are not duplicated. The firm has agreed to revise descriptions to avoid confusion. Because we are not making a recommendation for a reduction in the fees for these entries, no exhibit has been included here.
5. DFR noted charges of costs which appear to be pre-petition. These items are listed in Exhibit A. We requested that the firm review the charges. We recommend that expenses be reduced by \$335.09 and the firm has agreed to this reduction.
6. Based upon a review for reasonableness DFR noted entries which may be considered excessive or duplicated. We requested that the firm review these entries. After discussions with the firm and after receiving additional information we have determined that the entries are not duplicated or excessive. The firm has agreed to revise descriptions

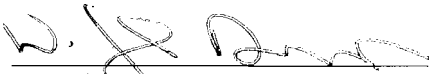
to avoid confusion. Because we are not making a recommendation for a reduction in the fees for these entries, no exhibit has been included here.

### CONCLUSION

Regarding the First Interim Fee Request and the fees and expenses discussed in the previous sections, DFR submits its report for the First Interim Fee Request of Young Conaway Stargatt & Taylor, LLP as attorneys to the Debtors and Debtors-in-Possession for compensation for services rendered and reimbursement of expenses for the Period from June 16, 2009 Through August 31, 2009 and recommend the approval of fees in the amount of the Fee Request \$173,317.00 and the reimbursement of expenses net of adjustments identified above in the amount of \$29,285.74.

Respectfully submitted,

### DIRECT FEE REVIEW LLC

By:   
W. J. Dryer

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**FEE AUDITOR**

**Exhibit A:**

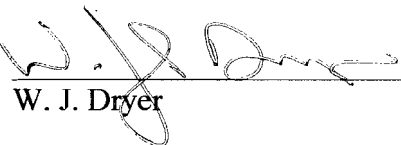
5/5/2009	RFPOP	Robert F. Poppiti	B	S063I	1.00	0.56	Lexis Legal Services - Document Printing Lexis Search by Poppiti, Robert F.	2996842
5/5/2009	RFPOP	Robert F. Poppiti	B	S0631	1.00	0.56	Lexis Legal Services - Single Document Retrieval Lexis Search by Poppiti, Robert F.	2996843
6/9/2009	RFPOP	Robert F. Poppiti	B	904	1.00	17.17	Teleconference - Payee: Soundpath Confer Services, LLC	3015857
6/11/2009	SBEAC	Sean M. Beach	B	904	1.00	5.22	Teleconference - Payee: Soundpath Confer Services, LLC	3015856
6/15/2009	JPATT	James L. Patton Jr	B	053	1.00	7.50	Delivery / Courier - From: YCST - To: Office of the U.S. Trustee	3012262
6/25/2009	PSNIT	Polina Snitkovsky	B	096	1.00	20.00	Working Meals - Payee: Casey Cathcart Dinner allowances: CCATH 6/15 and 6/16/09	2995808
6/13/2009	SBEAC	Sean M. Beach	B	904	1.00	87.38	Teleconference - Payee: Soundpath Confer Services, LLC	3052234
6/14/2009	DBOWM	Donald J. Bowman	B	102	165.00	13.20	Docket Retrieval / Search - Payee: Pacer Service Center	3028591
7/8/2009	SBEAC	Sean M. Beach	B	096	1.00	173.50	Working Meals - Payee: Sean Beach Sean Beach- 6/15/09 Dinner for SBEAC, DBOWM, RPOPP, and CCATH re: filing preparation	3006720
7/10/2009	PSNIT	Polina Snitkovsky	B	096	1.00	10.00	Working Meals - Payee: Joseck, Anastasia M. Working Dinner: AJOSE - 6/15	3012127

Arent Fox LLP  
Attn: Christopher J. Giaimo, Jr. and Katie A. Lane  
1050 Connecticut Avenue, NW  
Washington, DC 20036

**Office of the United States Trustee**  
OFFICE OF THE U.S. TRUSTEE  
Attn: Joseph McMahon  
844 King Street, Suite 2207  
Wilmington, DE 19801

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served by First Class United States mail to the attached service list on this 30th day of November, 2009.

By:   
W. J. Dwyer

**SERVICE LIST**  
**Notice Parties**

**The Applicants**

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**The Debtor**

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**Counsel to the Debtors**

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