

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

_____	:	Chapter 11
In re:	:	
	:	
BUILDING MATERIALS HOLDING CORPORATION, <i>et al</i> <sup>1</sup>	:	Case No. 09-12074 (KJC)
	:	(Jointly Administered)
Debtors.	:	
_____	:	Obj. Deadline: December 29, 2009 @ 4:00 p.m. (ET)
	:	Hearing Date: TBD, if necessary

**SIXTH MONTHLY APPLICATION OF EXECUTIVE SOUNDING BOARD ASSOCIATES INC. FOR ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND FOR REIMBURSEMENT OF EXPENSES AS FINANCIAL ADVISORS TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD FROM NOVEMBER 1, THROUGH NOVEMBER 30, 2009**

Name of Applicant: Executive Sounding Board Associates Inc.

Authorized to Provide Professional Services to: Official Committee of Unsecured Creditors

Date of Retention: nunc pro tunc to June 26, 2009

Period for which compensation and reimbursement is sought: November 1, 2009 through November 30, 2009

Amount of Compensation sought as actual, reasonable and necessary: \$ 13,100.00 (80% 10,480.00)

Amount of Expense Reimbursement sought as actual, reasonable and necessary: \$0

This is an: X interim \_\_\_ final application

The total time expended for the November 2009 fee application preparation is approximately 13.50 hrs and the corresponding compensation requested is approximately \$6,075.00.

<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.

Date Filed	Period Covered	Requested Fees	Requested Expenses	Approved Fees	Approved Expenses
11/10/09 Dkt. 845	06/26/09- 06/30/09	\$7,695.00(80% \$6,156.00)	\$0.00	NA	NA
11/10/09 Dkt. 846	07/01/09- 07/31/09	\$121,857.50(80% \$97,486.00)	\$10,427.13	NA	NA
11/10/09 Dkt. 847	08/01/09- 08/31/09	\$78,195.00 (80% \$62,556.00	\$1,872.55	NA	NA
11/13/09 Dkt.921	09/01/09- 09/30/09	\$75,275.00 (80% \$60,220.00	\$6,732.79	NA	NA
11/12/09 Dkt. 923	10/09/09- 10/31/09	\$13,100 (80% \$10,480.00	\$0.00	NA	NA

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

In re:	:	Chapter 11
	:	
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i> , <sup>2</sup>	:	Case No. 09-12074 (KJC)
	:	(Jointly Administered)
Debtors.	:	
	:	<b>Obj. Deadline: December 29, 2009 at 4:00 p.m. (ET)</b>
	:	Hearing Date: TBD, if necessary

**SIXTH MONTHLY APPLICATION OF EXECUTIVE SOUNDING BOARD ASSOCIATES INC. FOR ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND FOR REIMBURSEMENT OF EXPENSES AS FINANCIAL ADVISORS FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
FOR THE PERIOD NOVEMBER 1, 2009 THROUGH NOVEMBER 30, 2009**

Pursuant to Sections 330 and 331 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and this Court’s administrative order establishing procedures for interim compensation and reimbursement of expenses of professionals, dated July 14, 2009, Docket Number 182 (the “Administrative Order”), Executive Sounding Board Associates Inc. (“ESBA”) hereby files its Sixth Monthly Application for Allowance of Compensation for Services Rendered and for Reimbursement of Expenses as Financial Advisors to the Official Committee (the “Committee”) of Unsecured Creditors of BUILDING MATERIALS HOLDING CORPORATION., *et al.* (the “Debtors”) for the Period from November 1, 2009 through November 30, 2009 (the “

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<sup>2</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.

“Application”). By this Application, ESBA seeks a monthly allowance pursuant to the Administrative Order with respect to sums of \$13,100.00 for compensation for the period from November 1, 2009 through and including November 30, 2009 (the “Compensation Period”). No expenses were incurred during the Compensation Period.

In support of this Application, ESBA respectfully represents as follows:

### **Background**

1. On June 16, 2009, (the “Petition Date”), the Debtors commenced their bankruptcy cases (the “Bankruptcy Cases”) by filing a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”).

2. On June 26, 2009, the United States Trustee appointed the Committee of Unsecured Creditors. On August 3, 2009, the Creditors’ Committee selected ESBA to serve as its financial advisors.

3. By order dated September 9, 2009, this Court approved and authorized the retention of ESBA as financial advisor to the Committee effective *nunc pro tunc* to June 26, 2009. See Docket No. (578).

### **Compensation Paid and It’s Source**

4. All services for which compensation is requested by ESBA were performed for or on behalf of the Committee.

5. ESBA has received no payment and no promises for payment from any source for services rendered or to be rendered in any capacity whatsoever in connection

with the matters covered by this Application. There is no agreement or understanding between ESBA and any other person other than the shareholders of ESBA for the sharing of compensation to be received for services rendered in these cases.

#### **Time Records**

6. A copy of the time records for the Compensation Period is attached hereto as Exhibit A. The time records contain daily time logs describing the time spent by each professional for this period. To the best of ESBA's knowledge, this Application complies with Sections 330 and 331 of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Guidelines adopted by the Office of the United States Trustee, Del. Bankr. L.R. 2016-2, and the Administrative Order.

#### **Actual and Necessary Expenses**

7. No expenses were incurred by ESBA during the Compensation Period. While representing the Committee in these cases, ESBA will limit its photocopying expenses to \$.10 per page and its charges for out-going facsimile transmissions to \$1.00 per page, in accordance with the local rules. Actual long-distance carrier charges for outgoing facsimile transmissions will be reflected in the long-distance telephone charges.

#### **Summary of Services Rendered**

8. The professionals of ESBA who have rendered professional services in these cases are: Daniel Kerrigan and Mike Dervis.

#### **Summary of Services By Project**

9. The services rendered by ESBA during the Compensation Period can be grouped into the categories set forth below. These categories are generally described below, with a more detailed identification of the actual services provided set forth on Exhibit A. The professionals

who rendered services relating to each category are identified, along with the number of hours for each individual and the total compensation sought for each category, in Exhibit A.

A. Preparation of Application (074)

Fees: \$6,075.00                      Total Hours: 13.50

This category includes reviewing and revising time entries in preparation of the monthly fee application. Work effort also included the drafting and finalizing the monthly fee application. This category also includes the investigation and review of questions and concerns from the fee examiner including the preparation of a formal response to those issues.

B. Operations & Financial Analysis(104)

Fees: \$3,875.00                      Total Hours: 9.30

This category includes the analysis and review of the debtors operations as well as financial analysis of the Debtor's current and historical operating results. This analysis includes continued discussions with the Debtor's and their advisors regarding operating performance of the Company. This category also includes emails and conference calls with PJS pertaining to new tax legislation relating to NOL's and potential greater tax recovery potential for the Debtor. This effort included reviewing various NOL recovery analyses prepared by PJS along and discussions with both Debtor professionals and Committee counsel.

C. Plan of Reorganization (107)

Fees: \$3,150.00                      Total Hours: 7.20

This category includes the review Debtor's plan and disclosure statement. This also includes preparation for and participation in settlement discussions with Committee counsel as well as Debtor advisors. Additional time was spent in the review of the feasibility and liquidation analysis with the Debtors financial advisors. Category also includes the review and analysis of PJS revised liquidation analysis under various recovery assumptions.

### **Valuation of Services**

10. The professionals of ESBA have expended a total of 30.00 hours in connection with this matter during the Compensation Period, as follows: The nature of the work performed by these persons is fully set forth in Exhibit A. These are ESBA's normal hourly rates for work of this character. The reasonable value of the services rendered by ESBA to the Committee during the Compensation Period is \$13,100.00.

11. In accordance with the factors enumerated in Section 330 of the Bankruptcy Code, it is respectfully submitted that the amount requested by ESBA is fair and reasonable given (a) the complexity of these cases, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services in other cases. Moreover, ESBA has reviewed the requirements of Del. Bankr. L.R. 2016-2 and believes that this Application complies with that Rule.

WHEREFORE, Executive Sounding Board Associates Inc. respectfully requests that its Application for fees in the amount of \$13,100.00 be allowed and that if no objections are filed, 80% of the requested fees in the amount of \$10,480.00 be paid and further requests such other and further relief as the court may deem just and proper.

Dated: December 10<sup>th</sup> 2009

Respectfully Submitted,  
Executive Sounding Board Associates Inc.



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Daniel J. Keirigan  
EXECUTIVE SOUNDING BOARD  
ASSOCIATES INC.  
1350 Broadway, Suite 702  
New York, NY 10018  
Tel: (212) 944-0750  
Fax: (212) 944-0753  
*Financial Advisors to the Official  
Committee of Unsecured Creditors*



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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In re:	)	Chapter 11
	)	
BUILDING MATERIAL HOLDING	)	Case No. 09-12074 (KJC)
CORPORATION, et al.,	)	
	)	
Debtors	)	<b>Objection Deadline: December 29, 2009 at 4:00</b>
	)	<b>p.m. (ET)</b>
	)	

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**NOTICE OF APPLICATION**

**TO: The Debtor, Office of the United States Trustee and Notice Parties**

Executive Sounding Board Associates Inc. has filed its **Sixth Application for Interim Compensation for Services Rendered and Reimbursement of Expenses as Financial Advisors to the Official Committee of Unsecured Creditors for the Period from November 1, 2009 through November 30, 2009** (the "Application") requesting compensation in the amount of \$13,100.00 and reimbursement of expenses in the amount of \$0.00.

You are required to file a response, if any, to the attached Application with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3<sup>rd</sup> Floor, Wilmington, DE 19801 on or before **December 29, 2009 at 4:00 p.m. (ET)**.

At the same time, you must also serve a copy of any response upon:

Daniel J. Kerrigan  
Executive Sounding Board Associates Inc.  
1350 Broadway, Suite 702  
New York, NY 10018

A HEARING ON THIS MATTER WILL BE HELD ON A DATE TO BE DETERMINED BY THE COURT, ONLY IF OBJECTIONS ARE FILED BY **DECEMBER 29, 2009 AT 4:00 P.M. (ET)**. IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE DEBTORS ARE AUTHORIZED TO IMMEDIATELY PAY 80% OF THE COMPENSATION

AND 100% OF THE EXPENSES REQUESTED IN THE APPLICATION WITHOUT  
FURTHER NOTICE OR HEARING.

BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP

By: /s/ Bradford J. Sandler  
Bradford J. Sandler, Esq. (No.4142)  
Jennifer R. Hoover (DE #5111)  
222 Delaware Avenue, Suite 801  
Wilmington, DE 19801  
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(302) 442-7012  
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[jhoover@beneschlaw.com](mailto:jhoover@beneschlaw.com)

Counsel to the Official Committee of Unsecured  
Creditors

Dated: December 14, 2009

# EXHIBIT A

Client: Building Materials Holding Cor

December 3, 2009

Invoice# 7961

Client: Building Materials Holding Cor  
**Kerrigan, Daniel**      **Managing Director**

Date	Task	Tmkp	Description	Hours Worked	Rate	Fees Billed
11/04/09	074	DK	Review and revise July fee application.	2.30	450.00	\$1,035.00
11/06/09	074	DK	Finalize August fee application.	2.00	450.00	\$900.00
11/09/09	074	DK	Review time entries and draft September fee application.	3.50	450.00	\$1,575.00
11/10/09	074	DK	Review time entries and draft October fee application.	3.50	450.00	\$1,575.00
11/13/09	104	DK	Calls and emails with PJS to review tax issue and new legislation.	0.60	450.00	\$270.00
11/13/09	104	DK	Calls and emails with Committee Counsel re: tax issue and potential recovery for unsecured creditors.	0.80	450.00	\$360.00
11/13/09	107	DK	Internal discussion to update liquidation analysis to take into account potential proceeds from tax return based on new legislation.	1.50	450.00	\$675.00
11/13/09	104	DK	Read and review new legislation regarding tax issues and NOL carryback.	2.00	450.00	\$900.00
11/16/09	107	DK	Review and analyze revised liquidation analysis prepared by PJS relating to potential tax recovery scenarios.	1.50	450.00	\$675.00
11/16/09	107	DK	Internal discussion to review PJS liquidation analysis compared to other potential recovery scenarios currently being developed.	1.50	450.00	\$675.00
11/16/09	107	DK	Review and revise ESBA liquidation analysis with new tax refund included to present to the Committee.	1.80	450.00	\$810.00
11/17/09	104	DK	Call with PJS regarding treatment of potential tax recovery.	0.30	450.00	\$135.00
11/17/09	104	DK	Calls and emails with counsel regarding treatment options regarding potential tax recovery.	1.20	450.00	\$540.00
11/23/09	104	DK	Read and review analysis prepared by debtors outlining options to maximize 2009 tax loss in preparation for call with debtors and PJS.	0.60	450.00	\$270.00
11/23/09	104	DK	Call with Paul Street and PJS to review analysis prepared that outlines options to maximize 2009 tax loss.	0.70	450.00	\$315.00
11/23/09	074	DK	Review and analyze questions from fee examiner and develop response to his concerns.	2.20	450.00	\$990.00
Totals for: Kerrigan, Daniel				26.00	450.00	\$11,700.00

**Dervis, Michael**      **Senior Associate**

Date	Task	Tmkp	Description	Hours Worked	Rate	Fees Billed
11/06/09	104	MD	Telephonic conference with BMHC management and their Financial Advisors regarding Sentate amendment HR 3548.	0.50	350.00	\$175.00
11/06/09	104	MD	Analysis of possible new tax code that would affect the	0.80	350.00	\$280.00

Client:	Building Materials Holding Cor					
	BMHC NOL and future tax refunds.					
11/06/09	104	MD	Research and document information requested by UCC counsel regarding the loan agreements and waiver of certain covenants in 2008.	1.80	350.00	\$630.00
11/16/09	107	MD	Analysis of the liquidation analysis prepared by Debtor's Financial Advisors taking in consideration the anticipated tax refunds based on new IRS carryback rules.	0.60	350.00	\$210.00
11/16/09	107	MD	Discussion with Debtor's financial advisors regarding liquidation analysis update and internal discussions regarding potential for increasing UCC settlement offer.	0.30	350.00	\$105.00
			Totals for: Dervis, Michael	4.00	350.00	\$1,400.00
			<b>TOTALS :</b>	<b>30.00</b>		<b>\$13,100.00</b>

**ATTACHMENT A  
TO FEE APPLICATION  
PROFESSIONALS  
NOVEMBER 1, THROUGH NOVEMBER 30, 2009**

<b>Name of Professional Individual</b>	<b>Position, year assumed position, prior relevant experience, year of obtaining relevant license to practice</b>	<b>Hourly Billing Rate (including changes)</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Dan Kerrigan	Managing Director	\$450.00	26.00	\$11,700.00
Mike Dervis	Senior Associate	\$350.00	4.00	\$1,400.00
<b>TOTAL</b>			<b>30.00</b>	<b>\$13,100.00</b>

**Blended Rate:           \$436.67**

**COMPENSATION BY PROJECT CATEGORY**

<b>Project Category</b>	<b>Hours</b>	<b>Fees</b>
Preparation of Application-074	13.50	\$6,075.00
Operations & Financial Analysis-104	9.30	\$3,875.00
Plan of Reorganization-107	7.20	\$3,150.00
<b>Total</b>	<b>30.00</b>	<b>\$13,100.00</b>

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
BUILDING MATERIAL HOLDING	)	Case No. 09-12074 (KJC)
CORPORATION, et al.,	)	
	)	
Debtors	)	
	)	

**CERTIFICATE OF SERVICE**

I, Bradford J. Sandler, Esquire, hereby certify that on December 14, 2009, a true and correct copy of the foregoing document was served via overnight delivery upon all parties on the attached list.

Dated: December 14, 2009

BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP

By: /s/ Bradford J. Sandler  
Bradford J. Sandler, Esquire (No. 4142)  
222 Delaware Ave., Suite 801  
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Counsel to the Official Committee of Unsecured  
Creditors

Building Materials Holding Corporation  
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Boise, ID 83712

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New York, NY 10166

Office of the United States Trustee  
Attn: Joseph McMahon  
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Wilmington, DE 19801

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