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UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

Case No. 09-12074-KJC

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In the Matter of:

BUILDING MATERIALS HOLDING CORPORATION, ET AL.,

Debtor.

- - - - -x

United States Bankruptcy Court

824 North Market Street

Wilmington, Delaware

June 23, 2010

2:25 PM

B E F O R E:

HON. KEVIN J. CAREY

U.S. BANKRUPTCY JUDGE

ECR OPERATOR: GINGER MACE

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Hearing re: Reorganized Debtors' Twentieth Omnibus (Non-Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1

Transcribed by: Sara Bernstein

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A P P E A R A N C E S :

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Attorneys for the Debtors

The Brandywine Building

1000 West Street

17th Floor

Wilmington, DE 19899

BY: ROBERT J. POPPITI, JR., ESQ.

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## P R O C E E D I N G S

THE CLERK: All rise.

THE COURT: Good afternoon.

MR. POPPITI: Good afternoon, Your Honor. For the record, Robert Poppiti of Young Conaway Stargatt & Taylor.

THE COURT: Mr. Poppiti, excuse my tardiness. I was at the annual Federal Bar Association District Court lunch, which in part was to honor Judge Farnan on the eve of his retirement. So I appreciate your accommodation.

MR. POPPITI: Your Honor, not a problem. I apologize for having to be over here today on hopefully, what is one simple matter. Your Honor, that -- we'll be working off of the agenda we filed for today's hearing. And the only matter going forward today is the agenda item twelve. It's the twentieth omnibus claims objection. We received two responses to this, one of which was an informal which we've agreed with the claimant to go ahead and adjourn that so that's not an issue today. What we will be going forward on, hopefully briefly, is the response to the National Association of Credit Management Colorado.

And I guess before I get started, Your Honor, if I could just approach very briefly with two sets of materials. The first will just be some affidavits of service and the second is a proposed form of order --

THE COURT: Very well.

1 MR. POPPITI: -- which I figure I'll hand up now.

2 Save us a trip.

3 THE COURT: All right.

4 MR. POPPITI: May I approach?

5 THE COURT: Yes. Thank you.

6 MR. POPPITI: Your Honor, the top set of materials was  
7 the -- a copy of the proof of claim they filed. You'll note  
8 that they filed the proof of claim on May 4th, 2010. The bar  
9 date in this case was August 31st, 2009, as we asserted in our  
10 papers.

11 In addition to that, I have an affidavit of service  
12 for the notice of commencement, the bar date, as well as the  
13 notice of effective date. If you thumb through those  
14 materials, Your Honor, you'll see that we did serve them with  
15 those three documents at the address that is listed on their  
16 proof of claim. And obviously, the crux of their objection is  
17 just the following. They have not received any notice to date  
18 in the Chapter 11 cases. No showing of an excusable neglect or  
19 anything like that is set forth in there and as the affidavits  
20 of service demonstrate, Your Honor, we have been serving them  
21 materials. So that would be contrary to what they've obviously  
22 asserted in their papers.

23 So unless Your Honor has any question, I would  
24 respectfully request that you enter an order approving the  
25 claims objection over their objection, obviously.

1 THE COURT: I have reviewed the objection and I see  
2 the papers that you've just now submitted. I note that we do  
3 not have a telephone connection for this hearing and that  
4 beside court staff, Mr. Poppiti, you're the only other one in  
5 the courtroom so I know the claimant has not appeared by  
6 counsel or otherwise. Based upon the record and the absence of  
7 the claimant or anyone on its behalf, I am inclined to grant  
8 the relief that's been requested. That order has been signed.

9 MR. POPPITI: I appreciate that, Your Honor.

10 THE COURT: Anything further?

11 MR. POPPITI: And that's, unfortunately, the only  
12 thing going forward today so I do appreciate your time and wish  
13 that we did not have to rush you back.

14 THE COURT: That's okay. Thank you very much. That  
15 concludes this hearing. The court will stand in recess.

16 MR. POPPITI: Thank you, Your Honor.

17 (Proceedings concluded at 2:28 p.m.)

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I N D E X

RULINGS

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(Non-Substantive)		
Objection to Claims,		
Granted		

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C E R T I F I C A T I O N

I, Sara Bernstein, certify that the foregoing transcript is a true and accurate record of the proceedings.

---

SARA BERNSTEIN

Veritext  
200 Old Country Road  
Suite 580  
Mineola, NY 11501

Date: June 30, 2010



**UNITED STATES BANKRUPTCY COURT**  
**District of Delaware**

**In Re:**

Building Materials Holding Corporation  
720 Park Boulevard, Suite 200  
Boise, ID 83712  
EIN: 91-1834269

**Chapter:** 11

*Case No.:* 09-12074-KJC

***NOTICE OF FILING OF TRANSCRIPT AND OF DEADLINES RELATED TO RESTRICTION AND REDACTION***

A transcript of the proceeding held on 6/23/2010 was filed on 7/1/2010 . The following deadlines apply:

The parties have 7 days to file with the court a *Notice of Intent to Request Redaction* of this transcript. The deadline for filing a *request for redaction* is 7/22/2010 .

If a request for redaction is filed, the redacted transcript is due 8/2/2010 .

If no such notice is filed, the transcript may be made available for remote electronic access upon expiration of the restriction period, which is 9/29/2010 unless extended by court order.

To review the transcript for redaction purposes, you may purchase a copy from the transcriber (see docket for Transcriber's information) or you may view the document at the clerk's office public terminal.



Clerk of Court

Date: 7/1/10

(ntc)

# Notice Recipients

District/Off: 0311-1  
Case: 09-12074-KJC

User: Brandon  
Form ID: ntcBK

Date Created: 7/1/2010  
Total: 10

## Recipients of Notice of Electronic Filing:

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TOTAL: 4

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