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

)

In re:

# BUILDING MATERIALS HOLDING CORPORATION, *et al.*,<sup>1</sup>

Chapter 11

Case No. 09-12074 (KJC)

**Reorganized Debtors.** 

**Jointly Administered** 

# NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON AUGUST 25, 2010 AT 3:00 P.M. (ET)<sup>2</sup>

# WITHDRAWN MATTERS

1. Motion of Parker Development N.W., Inc. for Relief from the Automatic Stay [D.I. 813, 10/30/09]

Response Deadline:	November 12, 2009 at 4:00 p.m. (ET); Extended to
	November 16, 2009 at 4:00 p.m. (ET) for the Debtors

Responses Received:

A. Debtors' Opposition to Motion of Parker Development N.W., Inc. for Relief from the Automatic Stay [D.I. 931, 11/16/09]

Related Documents:

B. Notice of Withdrawal [D.I. 1652, 8/9/10]

Status: This matter has been withdrawn.

<sup>&</sup>lt;sup>1</sup> The Reorganized Debtors, along with the last four digits of each Reorganized 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 Reorganized Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

<sup>&</sup>lt;sup>2</sup> Those parties wishing to participate telephonically must make arrangements with CourtCall by telephone at 888-882-6878 or on the internet at www.courtcall.com no later than 12:00 p.m. (ET) on August 24, 2010.

2. Motion of Parker Development N.W., Inc. for Leave to File a Proof of Claim After the Bar Date [D.I. 1020, 11/30/09]

Response Deadline:	December 8, 2009 at 4:00 p.m. (ET); Extended to
	December 15, 2009 at 4:00 p.m. (ET) for the Debtors

Responses Received:

A. Debtors' Objection to Parker Development N.W., Inc.'s Motion for Leave to File a Proof of Claim After the Bar Date [D.I. 1151, 12/15/09]

Related Documents:

B. Notice of Withdrawal [D.I. 1652, 8/9/10]

Status: This matter has been withdrawn.

3. Motion of Anthony E. Scurria for Relief from the Plan Injunction [D.I. 1445, 2/25/10]

Response Deadline:	March 17, 2010 at 4:00 p.m. (ET); Extended to		
	August 18, 2010 at 4:00 p.m. (ET) for the Debtors		

Responses Received: None.

Related Documents:

A. Notice of Withdrawal [D.I. 1654, 8/10/10]

Status: This matter has been withdrawn.

4. Motion of Anthony E. Scurria for Reconsideration of His Disallowed Claim and/or for Relief from Order Pursuant to Fed. R. Civ. P. 60 [D.I. 1595, 6/4/10]

Response Deadline:June 15, 2010 at 4:00 p.m. (ET); Extended to<br/>August 18, 2010 at 4:00 p.m. (ET) for the Debtors

<u>Responses Received</u>: None.

Related Documents:

A. Notice of Withdrawal [D.I. 1654, 8/10/10]

Status: This matter has been withdrawn.

# **ADJOURNED MATTERS**

5. Reorganized Debtors' Fifteenth Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1 [D.I. 1432, 2/19/10]

Response Deadline: March 15, 2010 at 4:00 p.m. (ET)

Responses Received:

- A. Response of the Virginia Department of Taxation [D.I. 1456, 3/3/10]
- B. Response of Post Uptown, L.L.C, Post Apartment Homes, L.P., Post GP Holdings, Inc., and Post Midtown Square, L.P. [D.I. 1470, 3/15/10]

Related Documents:

- C. Order Sustaining, in Part, Reorganized Debtors' Fifteenth Omnibus (Substantive) Objection to Claims [D.I. 1494, 3/23/10]
- Status: This matter has been adjourned to September 30, 2010 at 3:00 p.m. (ET) with respect to the Response of the Virginia Department of Taxation and the Response of Post Uptown, L.L.C, Post Apartment Homes, L.P., Post GP Holdings, Inc., and Post Midtown Square, L.P. An order resolving the remainder of this matter has been entered.
- 6. Motion of Rucker Construction, Inc. for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 1447, 2/25/10]

Response Deadline:	March 17, 2010 at 4:00 p.m. (ET); Extended to
	June 15, 2010 at 4:00 p.m. (ET) for the Debtors

Responses Received:

A. Reorganized Debtors' Objection to Notice of Motion of Rucker Construction, Inc. for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 1600, 6/15/10]

Related Documents: None.

Status: This matter has been adjourned to September 30, 2010 at 3:00 p.m. (ET).

7. Motion of GSA Home Energy Solutions to Reconsider Claim [D.I. 1551, 4/29/10]

Response Deadline: May 12, 2010 at 4:00 p.m. (ET)

Responses Received:

A. Reorganized Debtors' Objection to Motion of GSA Home Energy Solutions to Reconsider Claim [D.I. 1567, 5/12/10]

# Related Documents:

- B. Affidavit of James V. Hoeffner, Texas Counsel for GSA Home Energy Solutions, in Support of Motion for Reconsideration [D.I. 1552, 4/29/10]
- C. Notice of Filing of Amended Exhibit C to Motion of GSA Home Energy Solutions to Reconsider Claim [D.I. 1590, 5/24/10]
- Status: The parties are continuing to work together on a proposed form of order that is consistent with the Court's ruling on this matter at the July 8, 2010 hearing. This matter has been adjourned to September 30, 2010 at 3:00 p.m. (ET).
- 8. 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 [D.I. 1585, 5/20/10]

Response Deadline:	June 14, 2010 at 4:00 p.m. (ET);
	Extended for Lexington Insurance Company

Responses Received:

- A. Response of National Association of Credit Management Colorado [D.I. 1601, 6/15/10]
- B. Informal Response of Lexington Insurance Company

Related Documents:

- C. Notice of Filing of Revised Exhibit A2 to Proposed Order [D.I. 1594, 6/1/10]
- D. Order Sustaining, in Part, Reorganized Debtors' Twentieth Omnibus (Non-Substantive) Objection to Claims [D.I. 1613, 6/23/10]
- <u>Status</u>: This matter has been adjourned to September 30, 2010 at 3:00 p.m. (ET) with respect to the Informal Response of Lexington Insurance Company. An order resolving the remainder of this matter has been entered.

# MATTER WITH A CERTIFICATION OF COUNSEL

9. Reorganized Debtors' Twenty-First 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 [D.I. 1639, 7/23/10]

Response Deadline: August 16, 2010 at 4:00 p.m. (ET)

Responses Received:

- A. Informal Response of Price Lakeshore, LLC
- B. Informal Response of Four Embarcadero Center Venture

#### Related Documents:

- C. Notice of Submission of Copies of Proofs of Claim [D.I. 1656, 8/11/10]
- D. Certification of Counsel [D.I. 1660, 8/23/10]
- <u>Status</u>: A revised proposed order has been filed under certification of counsel. Accordingly, no hearing is required.

Dated: Wilmington, Delaware August 23, 2010

### YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Robert F. Poppiti, Jr. Sean M. Beach (No. 4070) Donald J. Bowman, Jr. (No. 4383) Robert F. Poppiti, Jr. (No. 5052) The Brandywine Building 1000 West Street, 17th Floor P.O. Box 391 Wilmington, Delaware 19899-0391 Telephone: (302) 571-6600 Facsimile: (302) 571-1253

---- and ----

SACKS TIERNEY P.A. Aaron G. York (admitted *pro hac vice*) 4250 North Drinkwater Blvd., Fourth Floor Scottsdale, Arizona 85251 Telephone: (480) 425-2676 Facsimile: (480) 425-4976

ATTORNEYS FOR THE REORGANIZED DEBTORS

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

In re:

BUILDING MATERIALS HOLDING CORPORATION, et al.,<sup>1</sup>

Reorganized Debtors.

Chapter 11

Case No. 09-12074 (KJC)

Jointly Administered

#### AFFIDAVIT OF SERVICE

STATE OF DELAWARE ) SS ) NEW CASTLE COUNTY )

Casey S. Cathcart, an employee of the law firm of Young Conaway Stargatt & Taylor, LLP, co-counsel to the Reorganized Debtors, being duly sworn according to law, deposes and says that on August 23, 2010, she caused a copy of the Notice of Agenda of Matters Scheduled for Hearing on August 25, 2010 at 3:00 p.m. (ET) to be served via facsimile upon the parties identified on the attached service list.

SWORN TO AND SUBSCRIBED before me this 23rd day of August, 2010.

Notary Public My Commission Expires:

ANGELA M. COLSON NOTARY PUBLIC STATE OF DELAWARE My commission expires Aug. 31, 2011

The Reorganized Debtors, along with the last four digits of each Reorganized Debtor's tax identification 1 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 Reorganized Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

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FROM: Casey S. Cathcart, Paralegal (#762) PHONE: (302) 571-4753 
 DATE:
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 CLIENT MATTER:
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### PLEASE DELIVER AS SOON AS POSSIBLE TO:

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Message: Please see attached.