

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

In re:)	
)	Chapter 11
)	
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i>,¹)	Case No. 09-12074 (KJC)
)	
Debtors.)	Jointly Administered
)	

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON JULY 16, 2009 AT 4:30 P.M. (ET)**

**UNCONTESTED MATTERS WITH A CERTIFICATE OF
NO OBJECTION OR CERTIFICATION OF COUNSEL**

1. Debtors' Second Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 34, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Notice of Motions [D.I. 69, 6/18/09]
- B. Certificate of No Objection [D.I. 178, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

¹ 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.

2. Debtors' Third Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 35, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Notice of Motions [D.I. 69, 6/18/09] (SEE TAB 2A)
- B. Certificate of No Objection [D.I. 179, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

3. Debtors' Fourth Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 36, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Notice of Motions [D.I. 69, 6/18/09] (SEE TAB 2A)
- B. Certificate of No Objection [D.I. 180, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

4. Debtors' Fifth Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 40, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Notice of Motions [D.I. 69, 6/18/09] (SEE TAB 2A)

B. Certificate of No Objection [D.I. 181, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

5. Debtors' Motion for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [D.I. 96, 6/25/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received:

A. Informal Response of the United States Trustee

Related Documents:

B. Certification of Counsel [D.I. 182, 7/14/09]

Status: A certification of counsel has been filed. Accordingly, no hearing is required.

6. Debtors' Application for an Order Pursuant to Section 327(a) of the Bankruptcy Code and Bankruptcy Rule 2014 Authorizing the Debtors to Retain and Employ Young Conaway Stargatt & Taylor, LLP as Attorneys for the Debtors *Nunc Pro Tunc* to the Petition Date [D.I. 100, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

A. Certificate of No Objection [D.I. 184, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

7. Debtors' Motion for an Order Authorizing Rejection of That Certain Unexpired Lease at 440 Davis Court, San Francisco [D.I. 107, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Certificate of No Objection [D.I. 187, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

8. Debtors' Motion for an Order Authorizing and Approving an Omnibus Procedure for Settling and Allowing Certain Claims and Causes of Action Brought or Threatened By or Against the Debtors in Judicial, Administrative, Arbitral or Other Actions or Proceedings [D.I. 114, 6/29/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Certificate of No Objection [D.I. 185, 7/14/09]

Status: A certificate of no objection has been filed. Accordingly, no hearing is required.

UNCONTESTED MATTERS GOING FORWARD

9. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Pay (A) Prepetition Wages, Salaries, and Other Compensation, (B) Reimbursable Employee Expenses, and (C) Employee Medical and Similar Benefits; and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 9, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to Pay (A) Prepetition Wages, Salaries, and Other Compensation, (B) Reimbursable Employee Expenses, and (C) Employee Medical and Similar Benefits; and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 55, 6/17/09]
- B. Notice of Entry of Interim Order and Final Hearing [D.I. 71, 6/18/09]

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns and anticipate submitting a consensual form of final order at or prior to the hearing resolving this matter.

10. Debtors' Motion for Interim and Final Orders (A) Authorizing the Debtors to Continue Insurance Coverage Entered Into Prepetition and to Pay Obligations Relating Thereto; (B) Authorizing the Debtors to Maintain Postpetition Financing of Insurance Premiums; and (C) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 10, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Interim Order (A) Authorizing the Debtors to Continue Insurance Coverage Entered Into Prepetition; (B) Authorizing the Debtors to Maintain Postpetition Financing of Insurance Premiums; and (C) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 58, 6/17/09]
- B. Notice of Entry of Interim Order and Final Hearing [D.I. 72, 6/18/09]
- C. Certificate of No Objection [D.I. 177, 7/14/09]
- D. Notice of Withdrawal of Certificate of No Objection [D.I. 188, 7/14/09]

Status: This matter is going forward. The Debtors anticipate submitting a revised form of final order at or prior to the hearing resolving the informal concerns raised by certain parties in interest in connection with the interim hearing on this matter.

11. Debtors' Motion for Interim and Final Orders (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [D.I. 11, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 13, 2009 for the United States Trustee

Responses Received:

- A. Objection of Southern California Edison Company, Salt River Project, and Arizona Public Service to the Debtors' Motion for Interim and Final Orders (A) Prohibiting Utility Providers from Altering, Refusing or

Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [D.I. 161, 7/10/09]

Related Documents:

B. Interim Order (A) Prohibiting Utility Providers from Altering, Refusing or Discontinuing Service; (B) Approving the Debtors' Proposed Adequate Assurance; and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance [D.I. 61, 6/17/09]

C. Notice of Entry of Interim Order and Final Hearing [D.I. 73, 6/18/09]

Status: This matter is going forward. The Debtors are continuing to work with the respondents to resolve their concerns and anticipate entering into a stipulation prior to the hearing which will resolve this matter.

12. Debtors' Application for an Order Approving the Employment of Gibson, Dunn & Crutcher LLP as Attorneys for the Debtors in Possession *Nunc Pro Tunc* to the Petition Date [D.I. 99, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns and have reached an agreement in principle, subject to documentation. The Debtors anticipate submitting a consensual form of order at or prior to the hearing resolving this matter.

13. Debtors' Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for an Order Authorizing the Debtors to Retain and Employ PricewaterhouseCoopers LLP as Tax Advisor *Nunc Pro Tunc* to the Petition Date, and Waiving Certain Requirements of Local Rule 2016-2 [D.I. 101, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns and have reached an agreement in principle, subject to documentation. The Debtors anticipate submitting a consensual form of order at or prior to the hearing resolving this matter.

14. Debtors' Motion for an Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business [D.I. 105, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns and have reached an agreement in principle, subject to documentation. The Debtors anticipate submitting a consensual form of order at or prior to the hearing resolving this matter.

15. Debtors' Supplemental Motion for an Order (A) Increasing the Debtors' Authorization to Pay Certain Prepetition Claims of Shippers, Warehousemen, and Mechanic's/Materialman's Lien Claimants; and (B) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 130, 7/1/09]

Response Deadline: July 13, 2009 at 4:00 p.m. (ET)

Responses Received: None.

Related Documents:

- A. Motion Pursuant to Local Rule 9006-1(e) for an Order Shortening the Time for Notice of the Hearing to Consider Debtors' Supplemental Motion for an Order (A) Increasing the Debtors' Authorization to Pay Certain Prepetition Claims of Shippers, Warehousemen, and Mechanic's/Materialman's Lien Claimants; and (B) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 131, 7/1/09]

- B. Order Shortening the Time for Notice of the Hearing to Consider Debtors' Supplemental Motion for an Order (A) Increasing the Debtors' Authorization to Pay Certain Prepetition Claims of Shippers, Warehousemen, and Mechanic's/Materialman's Lien Claimants; and (B) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers [D.I. 136, 7/2/09]

Status: To date, no objections have been received. However, pursuant to the Local Rules, the Debtors are not able to file a certificate of no objection until 48 hours after the objection deadline, a time which is after the required time to file this Agenda. The Debtors intend to file a certificate of no objection prior to the hearing.

CONTESTED MATTERS GOING FORWARD

16. Debtors' Motion for Interim and Final Orders Pursuant to Sections 105(a), 363, and 554 of the Bankruptcy Code Approving (A) Procedures for the Sale of Certain *De Minimis* Assets Free and Clear of Liens, Claims, and Encumbrances Without Further Court Approval, (B) Payment of Market Rate Brokers' and Auctioneers' Commissions in Connection With the Sales, and (C) Abandonment or Donation of Certain Property [D.I. 17, 6/16/09]

Response Deadline: June 26, 2009 at 4:00 p.m. (ET); July 1, 2009 at 12:00 p.m. (ET) for the Official Committee of Unsecured Creditors; Extended to July 14, 2009 for the United States Trustee

Responses Received: None.

Related Documents:

- A. Notice of Motion [D.I. 70, 6/18/09]

Status: This matter is going forward on a contested basis, as the United States Trustee has advised the Debtors that it intends to file an objection with respect to this matter prior to the objection deadline.

17. Debtors' First Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 33, 6/16/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 10, 2009 at 4:00 p.m. (ET) for Ralph Road LLC and to July 13, 2009 for the United States Trustee

Responses Received:

- A. Reservation of Rights and Limited Response of Ralph Road, LLC, Gregg Street, LLC, and the Restated Robert R. Thomas Trust dated April 14, 2009 to Debtors' First Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 156, 7/10/09]

Related Documents:

- B. Notice of Motions [D.I. 69, 6/18/09] (SEE TAB 2A)
- C. Debtors' Reply to the Reservation of Rights and Limited Response of Ralph Road, LLC, Gregg Street, LLC, and the Restated Robert R. Thomas Trust dated April 14, 2009 to Debtors' First Omnibus Motion for an Order Authorizing Rejection of Certain Unexpired Leases and Executory Contracts, *Nunc Pro Tunc* to the Rejection Effective Date [D.I. 173, 7/13/09]

Status: This matter is going forward. As set for the in the Debtors' reply, the Debtors do not believe that the respondent opposes entry of the proposed order, but out of an abundance of caution, the Debtors have included it as a contested matter on this Agenda.

18. Debtors' Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for an Order Authorizing the Debtors to Retain and Employ Alvarez & Marsal North America, LLC as Restructuring Advisors *Nunc Pro Tunc* to the Petition Date [D.I. 102, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns prior to the hearing. To the extent this matter is not resolved prior to the hearing, this matter is going forward on a contested basis. In the event a resolution is reached, the Debtors will submit a consensual form of order at or prior to the hearing.

19. Debtors' Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for an Order Authorizing the Debtors to Retain and Employ Peter J. Solomon as Investment Banker and Financial Advisor *Nunc Pro Tunc* to the Petition Date, and Waiving Certain Requirements of Local Rule 2016-2 [D.I. 103, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns prior to the hearing. To the extent this matter is not resolved prior to the hearing, this matter is going forward on a contested basis. In the event a resolution is reached, the Debtors will submit a consensual form of order at or prior to the hearing.

20. Debtors' Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for an Order Authorizing the Debtors to Retain and Employ KPMG LLP as Auditors and Tax Consultants *Nunc Pro Tunc* to the Petition Date, and Waiving Certain Requirements of Local Rule 2016-2 [D.I. 104, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors are continuing to work with the United States Trustee to resolve its concerns prior to the hearing. To the extent this matter is not resolved prior to the hearing, this matter is going forward on a contested basis. In the event a resolution is reached, the Debtors will submit a consensual form of order at or prior to the hearing.

21. Debtors' Motion for an Order Pursuant to Sections 501, 502, and 1111(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 3003(c)(3), and Local Rule 2002-1(e) Establishing Bar Dates for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof [D.I. 106, 6/26/09]

Response Deadline: July 9, 2009 at 4:00 p.m. (ET); Extended to July 14, 2009 for the United States Trustee

Responses Received:

A. Informal Response of the United States Trustee

Related Documents: None.

Status: This matter is going forward. The Debtors anticipate that their Schedules and Statements will be filed prior to July 16, 2009. The United States Trustee has advised the Debtors that if it is satisfied with the accuracy and completeness of the Schedules and Statements, it will not oppose this matter, and the Debtors will submit a consensual form of order at or prior to the hearing resolving this matter. In the event the United States Trustee is not satisfied with the accuracy and completeness of the Schedules and Statements prior to the hearing, this matter will be going forward on a contested basis.

(Signature page follows.)

Dated: Wilmington, Delaware
July 14, 2009

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PROPOSED ATTORNEYS FOR DEBTORS
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