

**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 No.: 248</b>
	)	

**ORDER APPROVING STIPULATION PERMITTING THE ACE COMPANIES  
TO FILE A SINGLE PROOF OF CLAIM UNDER ONE CASE NUMBER**

The Court having considered the *Stipulation Permitting the ACE Companies to File a Single Proof of Claim Under One Case Number* (the "Stipulation"), attached hereto as Exhibit A; the Court having determined that good and adequate cause exist for approval of the Stipulation; and the Court having determined that adequate and sufficient notice of the Stipulation has been given; it is hereby

ORDERED that the Stipulation is approved; and it is further

ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and enforcement of this Order.

Dated: August 24, 2009  
Wilmington, Delaware

  
\_\_\_\_\_  
Kevin J. Carey  
Chief United States Bankruptcy Judge

<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.

**EXHIBIT A**

(Stipulation)

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

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

**STIPULATION PERMITTING THE ACE COMPANIES  
TO FILE A SINGLE PROOF OF CLAIM UNDER ONE CASE NUMBER**

Building Materials Holding Corporation, together with its affiliated debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned Chapter 11 cases (collectively, the “Cases”), and ACE American Insurance Company and Indemnity Insurance Company of North America (collectively and together with each of their affiliates, the “ACE Companies”) have agreed that ACE American Insurance Company shall be permitted to file a single proof of claim on its own behalf and on behalf of all of the ACE Companies with respect to the ACE Insurance Program (as defined herein), which shall be deemed to have been filed by each of the ACE Companies in each of the Debtors’ Cases, for the reasons and on the terms and conditions set forth below:

**RECITALS**

A. On June 16, 2009 (the “Petition Date”), each of the Debtors filed their respective voluntary petitions for bankruptcy relief under chapter 11 of title 11 of the United States Code

<sup>1</sup>

The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: 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); SelectBuild Illinois, LLC (0792). The mailing address for the Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

(the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Court").

B. Prior to the Petition Date, the ACE Companies issued certain insurance policies (as renewed, amended, modified, endorsed or supplemented from time to time, collectively, the "Policies") to certain Debtors and their non-debtor affiliates as named insureds.

C. Prior to the Petition Date, the ACE Companies and the Debtors and/or their non-debtor affiliates also entered into certain written agreements in connection with the Policies (as renewed, amended, modified, endorsed or supplemented from time to time, and including any exhibit or addenda thereto, collectively, the "Insurance Agreements").

D. Pursuant to the Policies and Insurance Agreements (collectively, the "ACE Insurance Program"), the ACE Companies provide, *inter alia*, certain workers' compensation, general liability, property liability, automobile liability and certain other insurance for specified policy periods subject to certain limits, deductibles, retentions, exclusions, terms and conditions, as more particularly described therein; and the insureds, including one or more of the Debtors, are required to pay to the ACE Companies certain amounts including, but not limited to, insurance premiums, and deductibles, as more particularly described in the ACE Insurance Program (the "Obligations").

E. The ACE Companies allege that to the extent that a particular Debtor is an insured under any of the Policies and has in the past or the present received, or in the future receives, any benefit under such Policies related to any claim made by or related to such Debtor under the Policies, including but not limited to any payment by any of the ACE Companies to or on behalf of such Debtor with respect to a claim made under any of the Policies, then such Debtor is jointly

and severally liable with other insureds for the Obligations arising with respect to such claim under the Policies.

F. On or about July 16, 2009, the Court entered an order setting a bar date of August 31, 2009 for filing proofs of claim against the Debtors (the "Bar Date Order").

IN LIGHT OF THE FOREGOING, the Debtors and the ACE Companies agree as follows:

1. Notwithstanding anything to the contrary set forth in the Bar Date Order, any proof of claim bar date order or notice or other order or notice, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and/or local bankruptcy rules, (i) ACE American Insurance Company on its own behalf and on behalf of all of the ACE Companies shall be permitted to file a single proof of claim (together with any amendments thereto, the "Claim") with respect to the ACE Insurance Program and (ii) the Claim is to be filed in the case of Building Materials Holding Corporation (Case No. 09-12074) but shall be deemed to have been filed by each of the ACE Companies in each of the Debtors' Cases (hereinafter, this "Stipulation").

2. This Stipulation is intended solely for the purpose of administrative convenience and shall not affect the substantive rights of the Debtors, the ACE Companies or any other party in interest, or constitute a waiver or modification of any rights, claims or defenses or an admission against interest, including, without limitation, (i) the right of the ACE Companies to allege joint and several liability against some or all of the Debtors and the right of the Debtors to dispute such alleged liability, (ii) the right of the ACE Companies to modify the Debtor(s) against which the Claim is asserted, and/or (iii) the right of the ACE Companies to amend the amount or nature of the Claim, if permitted by applicable bankruptcy law; provided,

further, that the Debtors shall not seek to have the Claim disallowed, reduced or expunged solely on the basis that the Claim is asserted against Building Materials Holding Corporation rather than another Debtor or Debtors.

3. Except as provided in this paragraph, any amendment to the Claim including, but not limited to, an amendment to allege joint and several liability against some or all of the Debtors or to modify the Debtor(s) against which the Claim is asserted, shall not be subject to any bar date for filing claims; provided, however, that such amendment or modification must be filed within 60 days of written notice to the ACE Companies and the undersigned counsel for the ACE Companies by the Debtors or other party in interest that the Claim will be subject to a claim objection or filed within the time otherwise permitted by applicable law or rules. Any amendment to the Claim with respect to the amount or nature of the Claim shall not be subject to the bar date for filing claims only to the extent that such amendment would be permitted by applicable bankruptcy law concerning the amendment of claims.

4. Nothing herein alters the ACE Companies' or the Debtors' rights and obligations under the ACE Insurance Program or modifies the coverage provided thereunder.

5. This Stipulation may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. A signature transmitted by facsimile shall be deemed an original signature for purposes of this Stipulation.

6. This Stipulation and its terms and conditions are subject to the approval of the Court.

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Date: 8/20/09



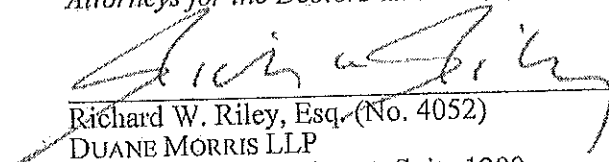
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