

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

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In re:	:	Chapter 11
	:	
BUILDING MATERIAL HOLDING	:	Case No. 09-12074 (KJC)
CORPORATION, <u>et al.</u> <sup>1</sup>	:	
	:	Jointly Administered
Debtors.	:	
	:	<b>Objection Deadline: September 11, 2009 at 4:00 p.m. (ET)</b>
	:	<b>Hearing Date: September 18, 2009 at 1:00 p.m. (ET)</b>
	:	
	:	<b>Re: Docket No. 543</b>
	:	
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**JOINDER AND RESERVATION OF RIGHTS OF THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS TO THE DEBTORS' OBJECTION TO (A) ALVARADO'S  
MOTION FOR ORDER TO AUTHORIZE CLASS PROOF OF CLAIM OR, IN THE  
ALTERNATIVE, TO EXTEND TIME FOR INDIVIDUAL CLASS MEMBERS TO FILE  
PROOFS OF CLAIM, AND (B) CLAIM NUMBERS 2464, 2465, 2466, 2467, AND 2468  
FILED BY PEDRO ALVARADO ON BEHALF OF THE PROPOSED CLASS**

The Official Committee of Unsecured Creditors (the "Committee") of Building Materials Holding Corporation and its affiliates (collectively the "Debtors"), by its counsel Arent Fox LLP ("Arent Fox"), as and for its joinder and reservation of rights (the "Joinder") to the Debtors' Objection to (a) the Motion Authorizing Class Proof of Claim or, in the Alternative, to Extend Time for Individual Class Members to File Proofs of Claim filed by Pedro Alvarado ("Alvarado") on August 31, 2009 (the "Motion") [Docket No. 543], and (b) claim numbers 2464, 2465, 2466, 2467, and 2468 filed by Pedro Alvarado on behalf of the putative class (the "Debtors' Objection") [Docket No. 591], hereby respectfully represents as follows:

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<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).

### **JOINDER**

1. In the interest of brevity, the background and arguments set forth in the Debtors' Objection are incorporated herein for all purposes. The Committee hereby joins in and incorporates on its own behalf all of the arguments contained in the Debtors' Objection, including but not limited to the Debtor's request to deny the Motion<sup>2</sup> in its entirety, disallow the filing of class proofs of claim by Alvarado or any putative class member, disallow individual proofs of claim by Alvarado or any putative class member made on or after the Bar Date, and disallow claim numbers 2464, 2465, 2466, 2467, and 2468 filed by Pedro Alvarado on behalf of the putative class.

### **RESERVATION OF RIGHTS**

2. Furthermore, the Committee reserves its rights with respect to the relief sought in the Motion, claim numbers 2464, 2465, 2466, 2467, and 2468 filed by Pedro Alvarado on behalf of the putative class, and all other issues pertaining to the rights of the putative class claimants and the allowance or disallowance of those claims.

### **CONCLUSION**

WHEREFORE, for all the foregoing reasons, the Committee respectfully requests that this Court enter an order denying the Motion in its entirety, disallowing the proofs of claim that were filed on behalf of the putative class, and granting such other and further relief as is just and proper.

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<sup>2</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Debtors' Objection.

Dated: Wilmington, DE  
September 11, 2009

BENESCH FRIEDLANDER COPLAN & ARONOFF, LLP

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