

**UNITED STATES BANKRUPTCY COURT  
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>Re: Docket No. 693</b>
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**MOTION TO SHORTEN NOTICE OF EXPEDITED MOTION OF THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO CONTINUE  
THE CURRENTLY SCHEDULED OCTOBER 7, 2009 HEARING  
ON THE DISCLOSURE STATEMENT AND  
RELATED SOLICITATION PROCEDURES MOTION**

The Official Committee of Unsecured Creditors (the “Committee”)<sup>2</sup> of the above-captioned debtors and debtors in possession (the “Debtors” or the “Respondents”) by and through its undersigned proposed counsel, hereby moves this Court for an order pursuant to Rule 9006(e) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), shortening notice in connection with the Committee’s Expedited Motion to Continue the Currently Scheduled October 7, 2009 Hearing on the Disclosure Statement and Related Solicitation Procedures Motion [Docket No. 693] (the “Motion to Continue”). The Committee filed the Motion to Continue concurrently with this Motion to Shorten Notice. In support thereof, the Committee 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).

<sup>2</sup> Capitalized terms not otherwise defined herein are ascribed the meaning provided in the Motion to Continue filed contemporaneously with this Motion.

1. As set forth in more detail in the Motion to Continue, the Committee requests that the Court continue consideration of the Second Amended Disclosure Statement and the Solicitation Procedures Motion until November 19, 2009, the next omnibus hearing date. In the alternative, the Committee requests that the Court recharacterize the October 7, 2009 hearing as a status and scheduling conference to discuss appropriate briefing and discovery deadlines on the Second Amended Disclosure Statement and the Solicitation Procedures Motion. The Committee respectfully requests that the Court shorten the time for notice of the Motion to Continue that would otherwise be required under the Bankruptcy Rules and/or the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) and set the deadline for filing a response. The Committee requests that the time to provide notice of hearing and objections be shortened from the eighteen (18) days provided in Del. Bankr. L.R. 9006-1(c) and Fed. R. Bankr. P. 9006-1(c) to the date of the hearing to allow the Motion to be heard on October 7, 2009 at 11:00 a.m. prevailing Eastern Time.

2. The reason for the requested shortening of the required notice period for the Motion to Continue is the necessity to review and evaluate the significant changes to the Debtors’ plan and disclosure statement. It is imperative that the Committee’s professionals have the opportunity to meaningfully review the Second Amended Disclosure Statement and Second Amended Plan and to advise the Committee accordingly. The Committee and its professionals respectfully submit that permitting the Committee to raise its Motion to Continue at the already-scheduled October 7, 2009 hearing will not prejudice the Debtors or any party who

has any issues with the Second Amended Disclosure Statement and will, to the contrary, permit parties in interest a real opportunity to review the substantial and material changes to the Second Amended Disclosure Statement and Second Amended Plan.

WHEREFORE, the Committee respectfully requests that the Court enter an order (i) shortening notice with regard to the Motion to Continue, and (ii) granting such other, further and different relief as is just and proper.

Dated: October 5, 2009

BENESCH FRIEDLANDER COPLAN  
& ARONOFF, LLP

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In re:	:	
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	:	
Debtors.	:	Jointly Administered
	:	
	:	<b>Re: Docket No. _____</b>
	:	
-----	X	

**ORDER GRANTING MOTION OF OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS TO SHORTEN NOTICE OF: EXPEDITED  
MOTION TO CONTINUE THE CURRENTLY SCHEDULED OCTOBER 7,  
2009 HEARING ON THE DISCLOSURE STATEMENT AND  
RELATED SOLICITATION PROCEDURES MOTION**

Upon consideration of the motion (the “Motion”)<sup>2</sup> of the Official Committee of Unsecured Creditors (the “Committee”) of the above-captioned debtors and debtors in possession (the “Debtors”), for an order pursuant to Rule 9006(e) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), shortening notice in connection with the Committee’s Expedited Motion to Continue the Currently Scheduled October 7, 2009 Hearing on the Disclosure Statement and Related Solicitation Procedures Motion [Docket No. \_\_\_\_\_]; and due and proper notice of the Motion having been given, it is hereby

**ORDERED** that:

1. The Motion is GRANTED.

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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).

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion to Continue.

2. The Motion to Continue shall be considered at the hearing currently scheduled for October 7, 2009 at 11:00 a.m. EDT.

3. The Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the implementation of this Order.

Dated: October \_\_\_\_, 2009

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HON. KEVIN J. CAREY  
UNITED STATES BANKRUPTCY JUDGE