

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11	
	)		
BUILDING MATERIALS HOLDING	)	Case No. 09-12074 (KJC)	
CORPORATION, et al.,	)		
	)	Jointly Administered	
	)		
Debtors.	)	Hearing Date: Nov. 19, 2009	
_____	)		

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DECLARATION OF Sergio Celaya .

IN SUPPORT OF PROOF OF CLAIM AND IN RESPONSE  
TO THE DEBTORS' FIRST OMNIBUS NON-SUBSTANTIVE OBJECTION

I, Sergio Celaya, hereby declare under penalty of  
perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am an adult resident of the State of  
Arizona, and I make this declaration based on my  
personal knowledge and in support of the Proof of Claim which I  
submitted in this matter.

2. In my proof of claim, I seek approximately  
\$ 65,124.00 for unpaid overtime and other wages which one  
or more of the Debtors owes to me as a result of my employment.

3. I understand that the Debtors have objected to my  
claim on the ground that the claim did not have sufficient  
supporting documentation or facts. Declaration of Paul S.  
Street, ¶ 8 and Exhibit D. This Declaration provides additional  
facts to supplement my proof of claim.

4. From approximately August 2004 to Nov. 2008, I was employed by Select Build Arizona as stem setter-concrete dept. I believe that my employer has records of the dates of my employment; attached to this statement is paycheck stubs, proving that I did work there.

5. During my employment, it was the common practice of my employer to pay its workers, including me, on a piece rate system for each job. Under this system, we were not paid overtime for such work, and in many cases not paid even straight time for all of our work. In addition, we were not paid for breaks required by law.

6. Based on the length of my employment, and my calculation that I worked an average of 9 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 65,124.00 in overtime and other wages which were never paid.

7. I also worked with other employees who filed proofs of claim in this case for the same sort of unpaid wages, including: Guillermo Lopez Soto, Efrain Espinoza, Rodimiro Romero, Oscar Manzano, Salvador Perez, Gonzalo Saucedo, Roberto Saucedo Francisco Leon, Martin Leon, Eleazar Romero, Arturo Leon, Arturo Sanchez, Jesus M. Provencio. To the best of my knowledge, the company's practice toward my wages and hours was also applied to these individuals.

8. I live in Arizona, and am unable to travel to Delaware to participate in the hearing on the Debtors' objection. I respectfully ask the Court to deny the Debtors' objection at this point, and to permit my claim to be decided based on all the evidence, especially when the full records of my employment are in my employer's control.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 10, 2009.

A handwritten signature in black ink, appearing to read "Sergio Lopez", is written over a horizontal line.

SERGIO CELAYA

08/11/06 07/31/06 08/06/06 224008

Regular Pay	26.00	468.00	19,817.58	Fed. W/T	.00	379.43
OT/Premium	.00	.00	295.50	FICA	35.81	1,581.46
Sick	.00	.00	.00	State W/T	.00	72.10
Holiday	.00	.00	560.00	GLASSES	.00	22.50
Vacation	.00	.00	.00	GLOV	.00	34.50
Other	.00	.00	.00		.00	.00
Non-Taxable	.00	.00	.00		.00	.00
	26.00	468.00	20,673.08		.00	.00
HOURS	RATE	HOURS	RATE		.00	.00
26.00	18.0000				.00	.00
					.00	.00
					.00	.00
					.00	.00
GROSS		468.00	20,673.08		.00	.00
DEDUCTIONS		35.81	2,089.99		.00	.00
NET		432.19	18,583.09		.00	.00

**SelectBuild Arizona, LLC**
**245514**

HOURS		RATE	EARNINGS		OTHER PAY			DESCRIPTION	PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT		
40.00		18.00	720.00		8.00	18.00	144.00	HOL	7-02 to 7-08-07
	1.00	27.00		27.00					
									No. 245514
									TOTAL PAY
									891.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	36.97	MED	12.91	SOC	55.24	AZSWH	7.02	
								112.14

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS					NET PAY
SERGIO CELAYA			GROSS	19478.25	FICA	1490.08	ESPP	.00
05365			FWH	480.80	SWH	91.34	401K	.00
								778.86

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**SelectBuild Arizona, LLC**
**242740**

HOURS		RATE	EARNINGS		OTHER PAY			DESCRIPTION	PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT		
36.50		18.00	657.00						6-04 to 6-10-07
									No. 242740
									TOTAL PAY
									657.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	11.08	MED	9.52	SOC	40.73	AZSWH	2.11	
								63.44

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS					NET PAY
SERGIO CELAYA			GROSS	16049.25	FICA	1227.76	ESPP	.00
05365			FWH	374.35	SWH	71.11	401K	.00
								593.56

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**SelectBuild Arizona, LLC**
**262606**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
31.00		15.84	491.04						1-21 to 1-27-08
									No. 262606
									TOTAL PAY
									491.04

DEDUCTIONS THIS PERIOD									
MED	7.12	SOC	30.45						
									TOTAL DEDUCTIONS
									37.57

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
SERGIO CELAYA			GROSS	2178.00	FICA	166.62	V_BAL	.00	
05365			FWH	.00	SWH	.00	401K	.00	453.47

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**SelectBuild Arizona, LLC**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		18.48	739.20						4-07 to 4-13-08
									TOTAL PAY
									739.20

DEDUCTIONS THIS PERIOD									
FWH	21.92	MED	9.64	SOC	41.20	AZSWH	8.11	DENTAL	8.58
HEALTH	66.17	DD NET	561.40	401K	22.18				
									TOTAL DEDUCTIONS
									177.80

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
RODIMIRO ROMERO			GROSS	12783.54	FICA	886.45	V_BAL	8.64	
01390			FWH	457.20	SWH	169.15	401K	383.50	.00

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## SelectBuild Arizona, LLC

268630

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		15.25	610.01						6-16 to 6-22-08
	3.00	22.8750		68.63					No. 268630
									TOTAL PAY
									678.64
DEDUCTIONS THIS PERIOD									
FWH 12.09		MED 9.84	SOC 42.07		AZSWH 2.30				TOTAL DEDUCTIONS
									66.30
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
SERGIO CELAYA			GROSS 14918.24	FICA 1141.24	V_BAL .00				
05365			FWH 155.73	SWH 29.59	401K .00				612.34

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## SelectBuild Arizona, LLC

266694

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
1.00		15.25	15.25						4-28 to 5-04-08
	7.00	22.8750		160.13					No. 266694
									TOTAL PAY
									175.38
DEDUCTIONS THIS PERIOD									
MED 2.54		SOC 10.87						TOTAL DEDUCTIONS	
									13.41
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
SERGIO CELAYA			GROSS 10751.11	FICA 780.46	V_BAL .00				
05365			FWH 88.89	SWH 16.90	401K .00				17

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**SelectBuild Arizona, LLC**
**250546**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		18.00	720.00						8-20 to
	7.00	27.00		189.00					8-26-07
									No. 250546
									TOTAL PAY
									909.00

DEDUCTIONS THIS PERIOD									
FWH	39.67	MED	13.18	SOC	56.36	AZSWH	7.54		
									TOTAL DEDUCTIONS
									116.75

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS					NET PAY
SERGIO CELAYA		GROSS	26232.75	FICA	2006.80	ESPP	.00
	05365	FWH	755.75	SWH	143.60	401K	.00
							792.25

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**SelectBuild Arizona, LLC**
**247806**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		18.00	720.00						7-23 to
	6.50	27.00		175.50					7-29-07
									No. 247806
									TOTAL PAY
									895.50

DEDUCTIONS THIS PERIOD									
FWH	37.64	MED	12.99	SOC	55.53	AZSWH	7.15		
									TOTAL DEDUCTIONS
									113.31

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS					NET PAY
SERGIO CELAYA		GROSS	22070.25	FICA	1688.38	ESPP	.00
	05365	FWH	550.50	SWH	104.59	401K	.00
							782.19

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# Earnings Statement



SELECTBUILD ARIZONA LLC  
PO BOX 70006  
BOISE, ID 83707-0106

Period Beginning: 08/09/2008  
Period Ending: 08/15/2008  
Pay Date: 08/22/2008

Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 6  
AZ: Tax is 19% of Federal

**SERGIO CELAYA**  
4337 N 192 LN  
LICHFIELD AZ 85340

Social Security Number: XXX-XX-0308

Earnings	rate	hours	this period	year to date
Regular	15.2500	32.00	488.00	18,211.85
Overtime				1,573.24
Holiday/Float				497.44
<b>Gross Pay</b>			<b>\$488.00</b>	20,282.53

## Other Benefits and Information

	this period	total to date
401K Elig Wages	488.00	
Ytd Ot Hours		68.00
Ytd Reg. Hours		1,171.50

Deductions	Statutory	
Social Security Tax	-30.26	1,257.52
Medicare Tax	-7.08	294.10
Federal Income Tax		246.59
AZ State Income Tax		46.86
<b>Net Pay</b>		<b>\$450.66</b>

Your federal taxable wages this period are \$488.00



SELECTBUILD ARIZONA LLC  
PO BOX 70006  
BOISE, ID 83707-0106

Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 6  
AZ: Tax is 11.5% of Federal

Social Security Number: XXX-XX-0308

Earnings	rate	hours	this period	year to date
Regular	14.0000	8.00	112.00	2,201.00
Overtime				199.50
<b>Gross Pay</b>			<b>\$112.00</b>	<b>2,400.50</b>
Deductions	Statutory			
	Social Security Tax			-6.94 148.83
	Medicare Tax			-1.63 34.81
<b>Net Pay</b>			<b>\$103.43</b>	

Your federal taxable wages this period are \$112.00

## Earnings Statement



Period Beginning: 08/15/2009  
Period Ending: 08/21/2009  
Pay Date: 08/28/2009

**SERGIO CELAYA**  
4337 N 192 LN  
LITCHFIELD AZ 85340

Other Benefits and Information	this period	total to date
401K Elig Wages	112.00	
Ytd Ot Hours		9.50
Ytd Reg Hours		158.50

SelectBuild Arizona, LLC  
6840 W Frier Drive  
Glendale, AZ 85301

## Earnings Statement

Period Ending: 07/31/2009  
Pay Date: 08/07/2009

Employee ID: 183669  
Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 06  
State: 10

Sergio Celaya  
4337 N 192 Ln  
Litchfield, AZ 85340

Earnings	rate	hours	this period	year to date	Important Notes
Regular	14.000	40.00	560.00		
Overtime		5.50	115.50		
Gross Pay			\$ 675.50	1,462.50	
Deductions					
Statutory					
Federal Withholding Tax				11.95-	
Social Security Tax			41.88-	90.68-	
Medicare Tax			9.79-	21.21-	
State Withholding Tax				1.38-	
Other					
Net Pay			\$ 623.83		