

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  
\_\_\_\_\_)

DECLARATION OF Rodimiro Romero.

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

I, Rodimiro Romero, 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  
\$ 82,134.00 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 Jan. 1999 to Nov. 7, 2008, I was employed by Select Build Arizona as concrete worker. 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 13 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 82,134.00 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, Sergio Celaya, 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.

Rody Romero

**SelectBuild Arizona, LLC**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	4.50	18.48 27.72	739.20	124.74					3-24 to 3-30-08
									TOTAL PAY
									863.94
DEDUCTIONS THIS PERIOD									TOTAL DEDUCTIONS
FWH	36.08	MED	11.44	SOC	48.93	AZSWH	13.35	DENTAL	8.58
HEALTH	66.17	DD NET	653.47	401K	25.92				
									210.47
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
RODIMIRO ROMERO			GROSS	11166.54	FICA	774.18	V_BAL	5.56	
01390			FWH	397.19	SWH	146.95	401K	334.99	
									.00

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**SelectBuild Arizona, LLC**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
30.50		17.56	535.58						5-12 to 5-18-08
									TOTAL PAY
									535.58
DEDUCTIONS THIS PERIOD									TOTAL DEDUCTIONS
FWH	2.17	MED	6.68	SOC	28.57	AZSWH	.80	DENTAL	8.58
HEALTH	66.17	DD NET	406.54	401K	16.07				
									129.04
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
RODIMIRO ROMERO			GROSS	16523.82	FICA	1143.98	V_BAL	-23.66	
01390			FWH	574.23	SWH	212.45	401K	495.71	
									.00

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