

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
)

2009 NOV 12 AM 10:00
FILED

DECLARATION OF Arturo Leon.

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

I, Arturo Leon, 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
\$ 71,100.00 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 April 19, 1994 to Nov. 2007, 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 15 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 71,100.00 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, Rodimiro Romero, Gonzalo Saucedo Roberto Saucedo, Francisco Leon, Martin Leon, Eleazar Romero, 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 cursive script, reading "Arturo J. Leon", written over a horizontal line.

SelectBuild Arizona, LLC

255666

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		19.75	790.00						10-15 to 10-21-07
									No. 255666
									TOTAL PAY
									790.00
DEDUCTIONS THIS PERIOD									
FWH	35.40	MED	9.92	SOC	42.44	AZSWH	8.85	DENTAL	17.79
HEALTH	75.00	VISION	4.13	AFLAC	8.65	AFLAC2	8.08	UNIFOR	4.00
									TOTAL DEDUCTIONS
									214.26
EMPLOYEE INFORMATION				YEAR - TO - DATE TOTALS					NET PAY
ARTURO LEON				GROSS	1165.26	FICA	72.99	ESPP	.00
11623				FWH	35.40	SWH	8.85	401K	.00
									575.74

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild Arizona, LLC

252491

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
32.00		19.75	632.08						9-10 to 9-16-07
									No. 252491
									TOTAL PAY
									632.08
DEDUCTIONS THIS PERIOD									
FWH	17.65	MED	7.63	SOC	32.65	AZSWH	4.41	DENTAL	17.79
HEALTH	75.00	VISION	4.13	AFLAC	8.65	AFLAC2	8.08	UNIFOR	4.00
									TOTAL DEDUCTIONS
									179.99
EMPLOYEE INFORMATION				YEAR - TO - DATE TOTALS					NET PAY
ARTURO LEON				GROSS	36282.72	FICA	2468.74	ESPP	.00
00271				FWH	2334.50	SWH	583.65	401K	.00
									452.09

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SelectBuild Arizona, LLC
253051

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		19.75	790.05						9-17 to 9-23-07
	1.50	29.6250		44.44					
									No. 253051
									TOTAL PAY
									834.49

DEDUCTIONS THIS PERIOD									
FWH	42.08	MED	10.57	SOC	45.19	AZSWH	10.52	DENTAL	17.79
HEALTH	75.00	VISION	4.13	AFLAC	8.65	AFLAC2	8.08	UNIFOR	4.00
									TOTAL DEDUCTIONS
									226.01

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY	
ARTURO	LEON	GROSS	37117.21	FICA	2524.50	ESPP	.00
	00271	FWH	2376.58	SWH	594.17	401K	.00
							608.48

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SelectBuild Arizona, LLC
256799

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		19.75	790.02						10-29 to 11-04-07
									No. 256799
									TOTAL PAY
									790.02

DEDUCTIONS THIS PERIOD									
FWH	37.85	MED	10.16	SOC	43.45	AZSWH	9.46	DENTAL	8.58
HEALTH	66.17	VISION	5.86	AFLAC	8.65	AFLAC2	8.08	UNIFOR	4.00
									TOTAL DEDUCTIONS
									202.26

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY	
ARTURO LEON		GROSS	2695.93	FICA	176.43	ESPP	.00
	11623	FWH	103.70	SWH	25.92	401K	.00
							587.76

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