

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 Jesus M. Romo .

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

I, Jesus M. Romo , 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  
\$ 37,972.00 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. 2005 to April 2008, I was employed by Select Build Arizona as form setter. 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 10 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 37,972.00 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: Gamaliel Moreno, Edgar Romo, Misael Carbajal. 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 11, 2009.

Jesus M. Romo

# SelectBuild Arizona, LLC

HOURS		EARNINGS		OTHER PAY		PAY PERIOD
REGULAR	OVERTIME	RATE	REGULAR	OVERTIME	BASIS	
40.00	3.00	19.00 28.50	760.00	85.50		12-03 to 12-09-07
TOTAL PAY						845.50

DEDUCTIONS THIS PERIOD									
FWH	60.56	MED	11.40	SOC	48.78	AZSWH	11.51	DENTAL	5.54
HEALTH	42.33	VISION	3.83	ADVANC	50.00	DD NET	571.38	AFILAC	7.04
AFILAC2	33.13								
TOTAL DEDUCTIONS									
274.12									

EMPLOYEE INFORMATION									
YEAR-TO-DATE TOTALS									
JESUS M ROMO	50003	GROSS	48392.48	FICA	3432.87	ESPP	640.00	NET PAY	
		FWH	3801.41	SWH	722.31	401K	.00		.00

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

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SelectBuild Arizona, LLC

SelectBuild Concrete

7777 N 70th Avenue

Glendale, AZ 85303

(623) 487-4886

Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

DATE  
12-14-2007

DESCRIPTION  
DD NET

ACCOUNT NO  
XXXXX2711

AMOUNT  
571.38

DEPOSITED FOR JESUS M ROMO  
702 W MONTANA ST  
Employee #50003  
TUCSON, AZ 85706

NET PAY 571.38  
TOTAL DEPOSIT 571.38  
CHECK AMOUNT .00

DIRECT DEPOSIT NOTIFICATION



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Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

## DD INET

14-30-2007  
XXXXX2711

379.24

JESUS M ROMO  
Employee #50003  
702 W MONTANA ST  
TUCSON, AZ 85706

NET PAY	379.24
TOTAL DEPOSIT	379.24
CHECK AMOUNT	.00

## DIRECT DEPOSIT NOTIFICATION

**12**

**AMP**