IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11		2
BUILDING MATERIALS HOLDING CORPORATION, et al.,)	Case No. 09-12074 Jointly Administer	(KJC)	2
Debtors.) ·)	Hearing Date: Nov.		2009

DECLARATION OF Manuel G Hemander Bandilla

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

- I, Manuel G. Aernanda Banhereby 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

 Word ______, 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 $\frac{47,502.00}{200}$ 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 9-20-04 to 11-11-09, I was employed by Lect Bull Wada as Stucco.

 I believe that my employer has records of the dates of my employment; attached to this statement is a paystub, 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 15 owes me approximately \$ 15 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:

 Armando Aguilar

To the best of my knowledge, the company's practice toward my wages and hours was also applied to these individuals.

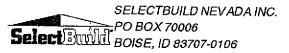
8. I live in Novaca, and am unable to travel to Delaware to participate in the hearing on the Debtors' objection. I respectfully ask the Court to deny the Debtors'

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 1, 2009.

Manuel G Bondilla

048-0007



Earnings Statement

Period Beginning:

10/15/2009

Period Ending:

10/21/2009

Pay Date:

10/30/2009

Taxable Marital Status: Married Exemptions/Allowances:

Federal: NV:

No State Income Tax

MANUEL BANDILLA-HERNANDEZ 1404 PYRAMID DR. LAS VEGAS NV 89108

Social Security Number: XXX-XX-9098

Earnings	rate hours	this period	year to date
Piecework		232.00	14,048.00
	Gross Pay	\$232.00	14,048.00
	Marie Company of the control of the		
Deductions	Statutory		
	Social Security Tax	-14.39	870.98
	Medicare Tax	-3.37	203.70
•	Federal Income Tax	The second state of the se	399.50
	Net Pay	\$214.24	

Your federal taxable wages this period are \$232.00

Other Benefits and Information this period 232.00 401K Elig Wages

New-4316 SNEAD DR 89107 Add. Las Vegas NV.