

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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

DECLARATION OF BRUNO VARGAS JR

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

I BRUNO VARGAS JR, 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 CALIFORNIA, 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 \$13,837.5
DLS 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 from June 2007 December 2008, I was employed by C Construction INC DBA Select Build as CARPENTER. I believe that my employer has records of the dates of my employment; attached to this statement is **PAY STUB**, 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 12.5 hours of unpaid overtime each week, I have determined that C Construction INC DBA Select Build owes me approximately \$ 13,837.5 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: **Bruno Vargas Jr, Cesar Ezquivel, Cipriano Ortiz, David Arjon Flores, Olivio Ruiz, Luis Rojas Lunas, Sahnchi Trinidad Crus**. 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 CA, 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.

Brvho Vargas JR

SelectBuild - Ontario

1804

221732

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	✓ 10.00	8.00 12.00	320.00	120.00					8-02 to 8-08-08
									No. 221732
									TOTAL PAY
									440.00

DEDUCTIONS THIS PERIOD									TOTAL DEDUCTIONS
FWH	20.71	FICA-M	6.38	SOC	27.28	CASDI	3.52	CASWH	1.93
									59.82

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
BRUNO VARGAS JR			GROSS	2474.00	CASWH	8.01	FICA	189.26	
81482			FWH	103.81	SDI	19.80	PTR	.00	
									380.18

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild - Ontario

221732

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C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106

Earnings Statement



Period Beginning: 10/11/2008
Period Ending: 10/17/2008
Pay Date: 10/24/2008

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
CA: 3

Social Security Number: XXX-XX-2938

Earnings	rate	hours	this period	year to date
Piecework		24.00	360.00	1,501.00
Regular				4,395.00
Overtime				120.00
Gross Pay			\$360.00	6,006.00

Deductions	Statutory	
Federal Income Tax	-10.71	206.61
Social Security Tax	-22.32	372.37
Medicare Tax	-5.22	87.09
CA SUI/SDI Tax	-2.88	48.05
CA State Income Tax		10.34
Net Pay		\$318.87

Your federal taxable wages this period are \$360.00

BRUNO VARGAS JR
13102 PARTRIDGE ST 8
GARDEN GROVE CA 92843

Other Benefits and Information

	this period	total to date
401K Elig Wages	360.00	
Ytd Ot Hours		10.00
Ytd Reg Hours		379.00