

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 CRESCENCIO JUAREZ-HERNANDEZ

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

I CRESCENCIO JUAREZ-HERNANDEZ, 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 \$7,995.00  
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 Jan 2008 to Jul 2009, 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.

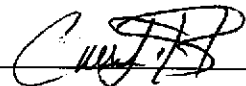
5. During my employment, it was the common practice of my employer to pay its workers, including me, on a piece rate system for each job. Under this system, we were not paid overtime for such work, and in many cases not paid even straight time for all of our work. In addition, we were not paid for breaks required by law.

6. Based on the length of my employment, and my calculation that I worked an average of 10 hours of unpaid overtime each week, I have determined that C Construction INC DBA Select Build owes me approximately \$ 7,995.00 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: **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.



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CO. FILE DEPT. CLOCK NUMBER  
574 009021 702010 830 0000032604 1  
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068-0015

C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



## Earnings Statement



Period Beginning: 07/04/2009  
Period Ending: 07/10/2009  
Pay Date: 07/17/2009

Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 5  
CA: 5

CRESCENCIO JUAREZ-HERNANDEZ  
724 W BUSH ST  
ANAHEIM CA 92805

Social Security Number: XXX-XX-8795

Earnings	rate	hours	this period	year to date
Piecework		24.00	288.00	10,478.00
<b>Gross Pay</b>			<b>\$288.00</b>	10,478.00

Other Benefits and Information	this period	total to date
401K Elig Wages	288.00	

Deductions	Statutory	
Social Security Tax	-17.86	649.64
Medicare Tax	-4.17	151.93
CA SUI/SDI Tax	-3.17	115.26
Federal Income Tax		39.02
CA State Income Tax		4.20
<b>Net Pay</b>	<b>\$262.80</b>	

Your federal taxable wages this period are \$288.00

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C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



## Earnings Statement



Period Beginning: 05/30/2009

Period Ending: 06/05/2009

Pay Date: 06/12/2009

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 5

CA: 5

CRESCENCIO JUAREZ-HERNANDEZ

724 W BUSH ST

ANAHEIM CA 92805

Social Security Number: XXX-XX-8795

Earnings	rate	hours	this period	year to date
Piecework		40.00	480.00	8,198.00
<b>Gross Pay</b>			<b>\$480.00</b>	8,198.00

Other Benefits and Information	this period	total to date
401K Elig Wages	480.00	

Deductions	Statutory	
Social Security Tax	-29.76	508.28
Medicare Tax	-6.96	116.87
CA SUI/SDI Tax	-5.28	90.18
Federal Income Tax		39.02
CA State Income Tax		4.20
<b>Net Pay</b>	<b>\$438.00</b>	

Your federal taxable wages this period are \$480.00