

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  
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DECLARATION OF JULIO BANUELOS

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

I, JULIO BANUELOS, 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 \$4,400.00  
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 Apr 2008 August 2008, I was employed by C Construction INC DBA SelectBuild 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 \$ 4,400.00 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.

SUILO BARCELOS

## SelectBuild - Ontario

217584

1804

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	✓ 2.00	16.00 24.00	640.00	48.00					6-21 to 6-27-08
									No. 217584
									TOTAL PAY
									688.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	13.03	FICA-M	9.97	SOC	42.65	CASDI	5.50	
								71.15

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY		
JULIO BANUELOS		GROSS	2256.00	CASWH	.06	FICA	172.58	
81447		FWH	58.29	SDI	18.04	PTR	.00	616.85

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

## SelectBuild - Ontario

217584

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	2.00	16.00 24.00	640.00	48.00					6-21 to 6-27-08
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FWH	13.03	FICA-M	9.97	SOC	42.65	CASDI	5.50	
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EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS					NET PAY
JULIO BANUELOS		GROSS	2256.00	CASWH	.06	FICA	172.58
81447		FWH	58.29	SDI	18.04	PTR	.00
							616.85

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**SelectBuild - Ontario**

1804

218311

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
32.00	✓	16.00	512.00						6-28 to 7-04-08
									No. 218311
									TOTAL PAY
									512.00

DEDUCTIONS THIS PERIOD									
FICA-M	7.43	SOC	31.75	CASDI	4.10				
									TOTAL DEDUCTIONS
									43.28

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY		
JULIO BANUELOS		GROSS	2768.00	CASWH	.06		FICA	211.76
81447		FWH	58.29	SDI	22.14	PTR	.00	468.72

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**SelectBuild - Ontario**

218311

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
32.00		16.00	512.00						6-28 to 7-04-08
									No. 218311
									TOTAL PAY
									512.00

DEDUCTIONS THIS PERIOD									
FICA-M	7.43	SOC	31.75	CASDI	4.10				
									TOTAL DEDUCTIONS
									43.28

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS					NET PAY
JULIO BANUELOS		GROSS	2768.00	CASWH	.06	FICA	211.76
81447		FWH	58.29	SDI	22.14	PTR	.00
							468.72

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1804

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
✓ 40.00	✓ 2.50	16.00 24.00	640.00	60.00					7-05 to 7-11-08
									No. 218936
									TOTAL PAY
									700.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	14.23	FICA-M	10.15	SOC	43.40	CASDI	5.60	
								73.38

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY		
JULIO BANUELOS		GROSS	3468.00	CASWH	.06		FICA	265.31
81447		FWH	72.52	SDI	27.74	PTR	.00	626.62

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HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	2.50	16.00 24.00	640.00	60.00					7-05 to 7-11-08
									No. 218936
									TOTAL PAY
									700.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	14.23	FICA-M	10.15	SOC	43.40	CASDI	5.60	
								73.38

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY	
JULIO BANUELOS		GROSS	3468.00	CASWH	.06	FICA	265.31
81447		FWH	72.52	SDI	27.74	PTR	.00
							626.62

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