		ANKRUPTCY COURT F DELAWARE		
In re:	) Ch	napter 11	M0712	Colors of the Co
BUILDING MATERIALS HOLDING CORPORATION, et al.,	) Cā	ase No. 09-12074	(KJC) 🗟	Grand and Grand
	) Jo	ointly Administe		***************************************
Debtors.	) H∈	earing Date: Nov	. 19, 2009	

## 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 DLLS 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,  $\P$  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.

SUI:0 BANCOLOS

1804

217584

HOU		RATE	EARNINGS OTHER PAY					ATE L					PAY PERIOD
REGULAR	OVERTIME	KATE	REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	770 12000				
40.00		16.00	640.00						6-21 to				
	2.00	24.00		48.00					6-27-08				
									No. 217584				
									TOTAL PAY				
									688.00				
	DEDUCTIONS THIS PERIOD												
FWH	13.03	FICA-M	9.97 5	OC 42	2.65 CAS	DI 5.5	0		TOTAL				
									DEDUCTIONS				
									71.15				
EMI	PLOYEE INFOR	RMATION	YEAR - TO - DATE TOTALS						NET PAY				
JULIO :	BANUELO	S	GROSS	2256.0	OOCASWH	.06	FICA	172.58	NEIFAT				
		81447	FWH	58.2	29 SDI	18.04	1 PTR	.00	616.85				

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild - Onto	ario
--------------------	------

217584

HOU	RS .	RATE	EARN	EARNINGS OTHER PAY							EARNINGS		EARNINGS OTHER PAY					
REGULAR	OVERTIME	RATE	REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	PAY PERIOD									
40.00		16.00	640.00						6-21 to									
•.	2.00	24.00		48.00					6-27-08									
									No. 217584									
									TOTAL PAY									
									688.00									
			•	DUCTIONS THIS I	A STATE OF STATE													
FWH	13.03	FICA-M	9.97 S	OC 42	2.65 CAS	DI 5.5	0		TOTAL DEDUCTIONS									
									71.15									
EMPLOYEE INFORMATION YEAR - TO - DATE TOTALS								NET PAY										
JULIO 1	BANUELO:	3	GROSS	2256.0	0 CASWH	.00	FICA	172.58	, LITA									
		81447	FWH	58.3	29 SDI	18.04	PTR	.00	616.85									
	6.437 (4.53.5)		PLEASE DET	ACH THIS PORT!	ON AND RETAI	N FOR YOUR REC	ORDS											

lectBuild -	Ontario			1	804				218311
HOUF		RATE		IINGS		OTHER			PAY PERIOD
REGULAR	OVERTIME	.02	REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	TATICINOD
32.00	<b>'</b>	16.00	512.00			1			6-28 to
									7-04-08
									No. 218311
									TOTAL PAY
									512.00
			DE	DUCTIONS THIS I	PERIOD				
FICA-M	7.43	SOC	31.75	ASDI 4	1.10				
									TOTAL DEDUCTIONS
									43.28
EMP	LOYEE INFOR	RMATION			YEAR - TO	- DATE TOTALS			UET BAY
JULIO E	BANUELO	S	GROSS	2768.0	OCASWH		FICA	211.76	NET PAY
		81447	FWH	58.2	9 SDI	22.14	PTR	.00	468.72

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild - Ontario

218311

LiDiiiu - C									210311
HOURS		RATE	EARN			OTHER			PAY PERIOD
REGULAR (	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	PATPENIOD
32.00		16.00	512.00						6-28 to
									7-04-08
									No. 218311
								ja er een	TOTAL PAY
	<u> </u>					<u></u>			512.00
FICA-M	7.43	soc	31.75 C	DUCTIONS THIS PE	**************************************				
rica n	, • <b>• •</b>	SUC	31.75	ASDI 4	.10				TOTAL DEDUCTIONS
									43.28
EMPL(	OYEE INFOR	MATION			YEAR - TO	- DATE TOTALS			NET PAY
JULIO BA	ANUELOS	3	GROSS	2768.0	CASWH	.0€	FICA	211.76	HEIRA
T. W. STOW	400 43 VS 15	81447	FWH	58.2	SDI	. 22.14	PTR	.00	468.72
		81447	1	58.2 Ace this portio	<u> </u>	and the second second		.00	

lectBuild -	Ontario	1804								218936
/ HOU		RATE		RNINGS			OTHER			PAY PERIOD,
REGULAR	OVERTIME	10112	REGULAR	OVERTIME	BA	SIS	RATE	AMOUNT	DESCRIPTION	(MTTEMOD)
40.00	/	16.00	640.0	q						7-05 to
	2.50	24.00		60.00						7-11-08
										 No. 218936
				:						TOTAL PAY
										700.00
				EDUCTIONS THIS	S PERIOD		<del></del>			Ì
FWH	14.23	FICA-M	10.15	SOC 4	13.40	CASDI	5,60	\		
1 7111	11.20	1 1011 11	10.15	500	13,10	CADDI	5.00			TOTAL DEDUCTIONS
										73.38
EMP	LOYEE INFOR	RMATION	1		YE	AR - TO - DAT	TE TOTALS		·	
JULIO E	BANUELOS	3	GROS	S 3468.	.00 CA	SWH	.06	FICA	265.31	NET PAY
		81447	FWH	72.	. 52 SI	Ι	27.74	PTR	.00	626.62

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

218936

									210930
HOL		RATE	EARN	IINGS		OTHE	R PAY		DAY BEBIAD
REGULAR	OVERTIME	KATE	REGULAR	OVERTIME	BASIS	RATE	AMQUNT	DESCRIPTION	PAY PERIOD
40.00		16.00	640.00						7-05 to
	2.50	24.00		60.00					7-11-08
		İ		·					No. 218936
		·							TOTAL PAY
<del>- 1                                   </del>									700.00
			DE	DUCTIONS THIS I	PERIOD				
FWH	14.23	FICA-M	10.15 S	OC 43	.40 CASI	DI 5.0	50		TOTAL DEDUCTIONS
									73.38
<del>*************************************</del>	PLOYEE INFOR BANUELOS		GROSS	3.460		- DATE TOTALS		0.05 31	NET PAY
CODIO	BANCELUE	81447	FWH	AND THE PARTY OF THE	OCASWH	· 在1965年 (1965年) (196540) (1965年) (196540) (196540) (196540) (196540) (196540) (19654	6 FICA 4 PTR	265.31 .00	626.62