

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 OLIVIO RUIZ

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

I OLIVIO RUIZ, 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 \$16,225.00
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 2006 to September 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 12.5 hours of unpaid overtime each week, I have determined that C Construction INC DBA Select Build owes me approximately \$16,225.00 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.

Olivia Ruiz P.

CO. FILE DEPT. CLOCK NUMBER
574 007751 702010 830 0000033230 1
1843RUO

226-0015

C CONSTRUCTION INC DBA SELECTBUILD
PO BOX 70006
BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 07/11/2009
Period Ending: 07/17/2009
Pay Date: 07/24/2009

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 6
CA: 6

OLIVIO P RUIZ
24430 CARMAN LN
MORENO VALLEY CA 92551

Social Security Number: XXX-XX-7863

Earnings	rate	hours	this period	year to date
Regular	11.0000	40.00	440.00	11,638.00
Overtime	16.5000	1.00	16.50	396.00
Gross Pay			\$456.50	12,034.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	456.50	
Ytd Ot Hours		24.00
Ytd Reg Hours		1,058.00

Deductions	Statutory	
Social Security Tax	-28.30	746.11
Medicare Tax	-6.62	174.49
CA SUI/SDI Tax	-5.02	132.37
Federal Income Tax		20.81
CA State Income Tax		5.77
Net Pay		\$416.56

Your federal taxable wages this period are \$456.50

CO. FILE DEPT. CLOCK NUMBER
574 007751 702010 830 0000034763 1
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180-0015

C CONSTRUCTION INC DBA SELECTBUILD
PO BOX 70006
BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 08/08/2009
Period Ending: 08/14/2009
Pay Date: 08/21/2009

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 6
CA: 6

OLIVIO P RUIZ
24430 CARMAN LN
MORENO VALLEY CA 92551

Social Security Number: XXX-XX-7863

Earnings	rate	hours	this period	year to date
Regular	11.0000	36.00	396.00	13,354.00
Overtime				396.00
Gross Pay			\$396.00	13,750.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	396.00	
Ytd Ot Hours		24.00
Ytd Reg Hours		1,214.00

Deductions	Statutory	
Social Security Tax	-24.55	852.50
Medicare Tax	-5.75	199.38
CA SUI/SDI Tax	-4.36	151.25
Federal Income Tax		20.81
CA State Income Tax		5.77
Net Pay	\$361.34	

Your federal taxable wages this period are \$396.00

CO. FILE DEPT. CLOCK NUMBER
574 007751 702010 830 0000034428 1
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193-0015

C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 08/01/2009
Period Ending: 08/07/2009
Pay Date: 08/14/2009

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 6
CA: 6

OLIVIO P RUIZ
24430 CARMAN LN
MORENO VALLEY CA 92551

Social Security Number: XXX-XX-7863

Earnings	rate	hours	this period	year to date
Regular	11.0000	40.00	440.00	12,958.00
Overtime				396.00
Gross Pay			\$440.00	13,354.00

Deductions	Statutory	
Social Security Tax	-27.28	827.95
Medicare Tax	-6.38	193.63
CA SUI/SDI Tax	-4.84	146.89
Federal Income Tax		20.81
CA State Income Tax		5.77
Net Pay		\$401.50

Other Benefits and Information

	this period	total to date
401K Elig Wages	440.00	
Ytd Ot Hours		24.00
Ytd Reg Hours		1,178.00

Your federal taxable wages this period are \$440.00