

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 CIPRIANO ORTIZ

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

I CIPRIANO ORTIZ, 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 \$18,720.00
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 2005 to Sept 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 \$ 18,720.00 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.

Cypriano Ortiz

SelectBuild - Ontario
168776

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
37.00		7.50	277.50						3-31 to 4-06-07
	.75	11.25		8.44					No. 168776
									TOTAL PAY
									285.94
DEDUCTIONS THIS PERIOD									
FICA-M	4.15	SS	17.73	CASDI	1.72				
									TOTAL DEDUCTIONS
									23.60
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						
CIPRIANO ORTIZ-MARTINEZ			GROSS	285.94	CASWH	.00	FICA	21.88	NET PAY
34079			FWH	.00	SDI	1.72	PTR	.00	262.34

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild - Ontario

1804

213651

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
37.00	✓	10.00	370.00						5-17 to 5-23-08
									No. 213651
									TOTAL PAY
									370.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	1.42	FICA-M	5.37	SOC	22.94	CASDI	2.96	
								32.69

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS						NET PAY
CIPRIANO ORTIZ-MARTINEZ		GROSS	4836.50	CASWH	.00	FICA	369.99	
34079		FWH	90.05	SDI	38.68	PTR	.00	337.31

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SelectBuild - Ontario

213651

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
37.00		10.00	370.00						5-17 to 5-23-08
									No. 213651
									TOTAL PAY
									370.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	1.42	FICA-M	5.37	SOC	22.94	CASDI	2.96	
								32.69

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS						NET PAY
CIPRIANO ORTIZ-MARTINEZ		GROSS	4836.50	CASWH	.00	FICA	369.99	
34079		FWH	90.05	SDI	38.68	PTR	.00	337.31

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SelectBuild - Ontario

216127

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	5.00	10.00 15.00	400.00	75.00					6-07 to 6-13-08
									No. 216127
									TOTAL PAY
									475.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	11.92	FICA-M	6.89	SOC	29.45	CASDI	3.80	
								52.06

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY		
CIPRIANO ORTIZ-MARTINEZ		GROSS	6181.50	CASWH	.00		FICA	472.88
34079		FWH	117.81	SDI	49.44	PTR	.00	422.94

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SelectBuild - Ontario

216127

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	5.00	10.00 15.00	400.00	75.00					6-07 to 6-13-08
									No. 216127
									TOTAL PAY
									475.00

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	11.92	FICA-M	6.89	SOC	29.45	CASDI	3.80	
								52.06

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS				NET PAY	
CIPRIANO ORTIZ-MARTINEZ		GROSS	6181.50	CASWH	.00	FICA	472.88
34079		FWH	117.81	SDI	49.44	PTR	.00
							422.94

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