IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION, et al.,)	Case No. 09-12074 (KJC)
ari,)	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 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, ¶ 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.

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