

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 DAVID ARJON FLORES

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

I DAVID ARJON FLORES, 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 \$9,300.00
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 2002 to May 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 \$9,300.00 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.

David Ardon Flores

File No.	CO. ID	HCode	CHECK NO	PERIOD BEGINNING:	12/13/2003
22859	I582	1462	47799	PERIOD ENDING:	12/19/2003
				PAY DATE:	12/26/2003

DAVIS BROS. FRAMING, INC.
8780 Prestige Court,
Rancho Cucamonga, CA 91730

Social Security: 456-93-9228
 Federal Marital: Single
 Federal Exemptions: 4
 Rate/Salary: 7.00

DAVID F ARJON-FLORES

13832 LA PAT ST #1
 WESTMINSTER CA 92683

Summary

Gross Pay \$160.00
 Net Check \$146.32

Taxes

Current

Year-to-Date

Federal Income Tax	\$0.00	\$151.28
State Income Tax	\$0.00	\$10.97
Social Security Tax	\$9.92	\$896.18
Medicare Tax	\$2.32	\$209.57
CA State DI/SUI Tax	\$1.44	\$130.09

Earnings Detail

Hours

Rate

Current

Job

Piecework	16.00	\$10.00	\$160.00	1462
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Other Deductions

Garnishments

Overtime Earnings

Federal Taxable wages for this check: \$160.00

Year-to-Date Gross amount: \$14,454.50

Notes:

CO. FILE DEPT. CLOCK NUMBER
574 005725 702010 830 0000017259 1
1703ARD

269-0015

C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 11/22/2008
Period Ending: 11/28/2008
Pay Date: 12/05/2008

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 8

CA: 8

1823

DAVID F ARJON-FLORES
13832 LAPAT PLACE 25
WESTMINISTER CA 92683

Social Security Number: XXX-XX-9228

Earnings	rate	hours	this period	year to date
Piecework		8.00	192.00	2,266.00
Regular				7,274.00
Gross Pay			\$192.00	9,540.00

Other Benefits and

Information

	this period	total to date
401K Elig Wages	192.00	
Ytd Reg Hours		440.00

Deductions

Statutory

Social Security Tax	-11.90	591.48
Medicare Tax	-2.78	138.33
CA SUI/SDI Tax	-1.54	76.32
Net Pay	\$175.78	

Important Notes

TO ASSURE A TIMELY W2 DELIVERY AFTER YEAR END,
PLEASE REVIEW YOUR NAME AND ADDRESS AS IT APPEARS

ON THIS CHECK AND NOTIFY YOUR LOCATION'S ADMIN/HR
REPRESENTATIVE IF UPDATES ARE NEEDED.

Your federal taxable wages this period are \$192.00

CO. FILE DEPT. CLOCK NUMBER
574 005725 702010 830 0000028151 1
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C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 05/09/2009

Period Ending: 05/15/2009

Pay Date: 05/22/2009

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 8

CA: 8

DAVID F ARJON-FLORES

13832 LAPAT PLACE 25

WESTMINSTER CA 92683

Social Security Number: XXX-XX-9228

Earnings	rate	hours	this period	year to date
Regular 1823	12.0000	36.00	432.00	8,064.00
Piecework				288.00
Gross Pay			\$432.00	8,352.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	432.00	
Ytd Reg Hours		672.00

Deductions	Statutory	
Social Security Tax	-26.78	517.82
Medicare Tax	-6.26	121.10
CA SUI/SDI Tax	-4.75	91.87
Net Pay	\$394.21	

Your federal taxable wages this period are \$432.00

CO. FILE DEPT. CLOCK NUMBER
574 005725 702010 830 0000028687 1
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009-0015

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



Earnings Statement



Period Beginning: 05/16/2009
Period Ending: 05/22/2009
Pay Date: 05/29/2009

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 8
CA: 8

DAVID F ARJON-FLORES
13832 LAPAT PLACE 25
WESTMINSTER CA 92683

Social Security Number: XXX-XX-9228

Earnings	rate	hours	this period	year to date
Regular	12.0000	36.00	432.00	8,496.00
Piecework				288.00
Gross Pay			\$432.00	8,784.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	432.00	
Ytd Reg Hours		708.00

Deductions	Statutory	
Social Security Tax	-26.79	544.61
Medicare Tax	-6.27	127.37
CA SUI/SDI Tax	-4.75	96.62
Net Pay	\$394.19	

Your federal taxable wages this period are \$432.00