

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)
Debtors.) Jointly Administered
Hearing Date: Nov. 19, 2009

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DECLARATION OF LUIS ROJAS LUNA

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

I LUIS ROJAS LUNA, 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 \$31,680.00
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 Jun 2005 to Jul 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.

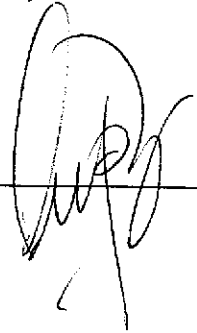
5. During my employment, it was the common practice of my employer to pay its workers, including me, on a piece rate system for each job. Under this system, we were not paid overtime for such work, and in many cases not paid even straight time for all of our work. In addition, we were not paid for breaks required by law.

6. Based on the length of my employment, and my calculation that I worked an average of 12 hours of unpaid overtime each week, I have determined that C Construction INC DBA Select Build owes me approximately \$ 31,680.00 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.





C Construction, Inc
P. O. Box 5848
Riverside, CA 92517

Earnings Statement

Period Ending: 09/04/2009
Pay Date: 09/10/2009

Employee ID: 202874
Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 04
State: 04

Luis Rojas-Luna
2726 W Saint Gertrude
Santa Ana, CA 92704

Earnings	rate	hours	this period	year to date	Important Notes
Regular	10.000				
Overtime					
Piecework		24.00	260.00		
Gross Pay		\$	260.00	11,213.00	
Deductions					
Statutory					
Federal Withholding Tax				15.28-	
Social Security Tax			16.12-	695.21-	
Medicare Tax			3.77-	162.59-	
SDI Tax			2.86-	123.34-	
Other					
Net Pay		\$	237.25		

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C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106

SelectBuild

Earnings Statement



Period Beginning: 09/12/2009
Period Ending: 09/18/2009
Pay Date: 09/25/2009

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 4

CA: 4

LUIS ROJAS-LUNA
2726 W SAINT GERTRUDE
SANTA ANA CA 92704

Social Security Number: XXX-XX-9362

Earnings	rate	hours	this period	year to date
Piecework		14.00	140.00	1,598.00
Regular				9,460.00
Overtime				555.00
Gross Pay			\$140.00	11,613.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	140.00	
Ytd Ot Hours		37.00
Ytd Reg Hours		946.00

Deductions	Statutory	
Social Security Tax	-8.68	720.01
Medicare Tax	-2.03	168.39
CA SUI/SDI Tax	-1.54	127.74
Federal Income Tax		15.28
Net Pay		\$127.75

Your federal taxable wages this period are \$140.00

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C CONSTRUCTION INC DBA SELECTBUILD

PO BOX 70006

BOISE, ID 83707-0106



Earnings Statement



Period Beginning: 09/19/2009

Period Ending: 09/25/2009

Pay Date: 10/02/2009

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 4

CA: 4

Social Security Number: XXX-XX-9362

Earnings	rate	hours	this period	year to date
Piecework		16.00	280.00	1,878.00
Regular				9,460.00
Overtime				555.00
Gross Pay			\$280.00	11,893.00

Other Benefits and Information

	this period	total to date
401K Elig Wages	280.00	
Ytd Ot Hours		37.00
Ytd Reg Hours		946.00

Deductions	Statutory	
Social Security Tax	-17.36	737.37
Medicare Tax	-4.06	172.45
CA SUI/SDI Tax	-3.08	130.82
Federal Income Tax		15.28
Net Pay		\$255.50

Your federal taxable wages this period are \$280.00