

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

Ramon Moya-Hernandez

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

I, RAMON MOYA-HERNANDEZ, 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
NEVADA, 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
\$ 32,400 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 04-05 to 10-07, I was employed by Select Build Nevada as Framer. I believe that my employer has records of the dates of my employment; attached to this statement is **a paystub**, 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 18 hours of unpaid overtime each week, I have determined that Select Build Nevada owes me approximately \$ 32,400 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:


Fernando Zepeda

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 Nevada, 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 11, 2009.

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Copy B—To Be Filed With Employee's FEDERAL Tax Return		38-2099803 OMB No. 1545-0008	
a Employee's soc. sec. no. 10-06-5894		1 Wages, tips, other comp. 5340.00	2 Federal income tax withheld 70.41
b Employer ID number (EIN) 16-0948912		3 Social security wages 5340.00	4 Social security tax withheld 331.08
		5 Medicare wages and tips 5340.00	6 Medicare tax withheld 77.43
c Employer's name, address, and ZIP code SelectBuild Nevada, Inc. 1339 Corporate Center Dr, Ste 108 Las Vegas NV 89030			
d Control number 3040			
e Employee's name, address, and ZIP code RAMON MOYA-HERNANDEZ 1695 MARY JANE DRIVE NO E240 PO LAS VEGAS NV 89115			
7 Social security tips		8 Allocated tips	9 Advance EIC payment .00
10 Dependent care benefits		11 Nonqualified plans	12a Code See inst. for box 12
13 Statutory employee		14 Other	12b Code
Retirement plan			12c Code
Third-party sick pay			12d Code
15 State Employer's state ID number		16 State wages, tips, etc.	17 State income tax
18 Local wages, tips, etc.		19 Local income tax	20 Locality name