

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
BUILDING MATERIALS HOLDING	)	
CORPORATION, <u>et al.</u> ,	)	Case No. 09-12074 (KJC)
	)	
Debtors.	)	Jointly Administered
	)	

**NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS BY  
COUNSEL FOR EDUARDO ACEVEDO, ET AL. (“FLSA CLAIMANTS”)**

**PLEASE TAKE NOTICE** that the undersigned appears as counsel for Eduardo Acevedo, *et al.* (hereinafter “FLSA Claimants”), pursuant to Bankruptcy Rule 9010 and 2002 and applicable local rules, requests that all notices given or required to be given in this case and all papers served in this case be given to and served upon the undersigned at the office and address set forth below.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing request includes not only notices and papers referred to in the Rules specified above but also includes, without limitation, orders and notices of any applications, motions, petitions, pleadings, requests, complaints or demands: (1) which may directly, or indirectly, affect or seek to affect in any way any rights or interests of the FLSA Claimants with respect to (a) the Debtors; (b) property or proceeds thereof in which the Debtors may claim an interest; or claims or other property or proceeds thereof in the possession, custody or control of the Debtors; or (2) which require or seek to require any act, delivery of any property, payment or other conduct by the FLSA Claimants; or (3) which may otherwise affect the Debtors or property of the Debtors.

**PLEASE TAKE FURTHER NOTICE** that the FLSA Claimants have no intention for this Notice of Appearance, nor any former or later pleading, claim or suit shall waive (1) the FLSA Claimants' right to have final orders in non-core matters entered only after de novo review by a District Court Judge, (2) the FLSA Claimants' right to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, (3) the FLSA Claimants' right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, or (4) any other rights, claims, actions, defenses, set-offs, or recoupments to which the FLSA Claimants are or may be entitled under agreements, in law or equity, all of which rights, claims, defenses, set-offs, and recoupments the FLSA Claimants expressly reserve.

Dated: September 16, 2009  
Wilmington, Delaware

Respectfully submitted,  
MARGOLIS EDELSTEIN

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("FLSA Claimants")

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**CERTIFICATE OF SERVICE**

I, James E. Huggett, Esquire, hereby certify that on the 16<sup>th</sup> day of September, 2009, I caused a true and correct copy of the *Notice of Appearance and Request for Service of Papers by Counsel for Eduardo Acevedo, et al. ("FLSA Claimants")* to be served upon the attached service list via electronic mail.

MARGOLIS EDELSTEIN

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