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5757 Wilshire Boulevard, Ste 535
Los Angeles, CA 90036

November 22, 2019

California Division of Occupational Safety & Health
1515 Clay Street, Suite 1901
Oakland, CA 94612
Electronic Service

Ball Corporation
Attention: Myra Rivera
2400 Huntington Dr.
Fairfield, CA 94533
Certified Mail (Return Receipt)
Tracking No.: 7015 1520 0002 1555 1905

Ball Corporation
818 W. 7th St., Ste 930
Los Angeles, CA 90017
Certified Mail (Return Receipt)
Tracking No.: 7015 1520 0002 1555 1912

Ball Aerospace & Technologies Corp.
818 W. 7th St., Ste 930
Los Angeles, CA 90017
Certified Mail (Return Receipt)
Tracking No.: 7015 1520 0002 1555 1899

Re: MARTIN V. BALL CORPORATION; BALL AEROSPACE & TECHNOLOGIES CORP.

**PRIVATE ATTORNEY GENERAL ACT LETTER AND FORMAL
REQUEST TO INVESTIGATE**

Dear Sir or Madam:

This office represents Richard Martin, a former employee of Ball Corporation and/or Ball Aerospace & Technologies Corp. (“Ball”). Mr. Martin is preparing to file a civil complaint or arbitration demand on his own behalf and on behalf of other similarly situated employees of Ball, for workplace and safety hazards, and other *Labor Code* violations, during the applicable statute of limitations period.

Mr. Martin may be contacted through this office. Ball has its executive offices located at 10 Longs Peak Dr, Broomfield, CO 80021, and operates a facility in California located at 2400 Huntington Dr, Fairfield, CA 94533.

Mr. Martin asks the Division to investigate and address numerous violations of Safety and Health regulations at his former place of employment, so that his remaining fellow-employees will not remain subjected to ongoing threats of injury, or worse.

This letter is to exhaust the reporting requirements of *Labor Code* § 2699.3 and to provide Cal-OSHA with the facts and theories supporting the described violations.

SUMMARY OF WORKPLACE HAZARDS

a. Violations of Ergonomic Standards

On November 6, 2018, Mr. Martin was injured at Ball Corporation’s Fairfield manufacturing facility while lowering a hopper of manufactured cans. Martin reported that he was injured. However, his supervisor, Claude Vaughan, gave him

ibuprofen, temporarily placed Martin on light-duty work, and then ordered Mr. Martin back to work.

Every day for the following four days, Martin reported to his supervisors that he was injured, yet each day he was sent back to work. Finally, Martin advised Vaughan that unless he was provided medical assistance, he would leave work and work it out himself. Only after Martin made this ultimatum, Martin's supervisors sent him to meet with a Human Resources representative.

The HR representative took Martin to a hospital where Martin was diagnosed with a pulled muscle behind his rotator cuff.

Even though Martin had been diagnosed with an apparent RMI ergonomic injury, and HR knew of such facts, Martin is informed and believes that Ball failed to investigate the circumstances of Martin's injury or to otherwise follow the requirements of 8 C.C.R. § 5110. To the contrary, Ball retaliated against Martin by terminating him for taking time off to seek treatment with a Workers Compensation doctor.

b. Violations of Control of Hazardous Substances

Part of Mr. Martin's work obligations involved the regular use and handling of Industrial Coatings ("IC"), particularly Valspar.

In violation of 8 C.C.R. § 5139 *et seq.*, Mr. Martin was required to work in a confined area with significant IC fumes, without a facemask or other adequate protective clothing. Mr. Martin experienced significant coughing due to such fumes.

On one occasion, a significant spill of IC occurred, and Mr. Martin, in violation of 8 C.C.R. §§ 5189 & 5192 was required to clean the spill without adequate protective gear, guidance, or

procedures. Mr. Martin's mouth skin entirely peeled due to the fume exposures.

Mr. Martin is sending this letter to ensure compliance with *Labor Code* § 2699.3.

Please advise this office within the 30-day statutory period if your office will be investigating these matters. Thank you for your attention to this matter. If you have any questions, please contact me.

Sincerely

LEVI LESCHES
Attorney for Richard Martin



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5757 Wilshire Boulevard, Ste 535
Los Angeles, CA 90036

November 23, 2020

California Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, CA 95814
Electronic Service

Ball Corporation
818 W. 7th St., Ste 930
Los Angeles, CA 90017
Certified Mail (Return Receipt)
Tracking No.: 7020-1810-0000-8734-8667

Ball Aerospace & Technologies Corp.
818 W. 7th St., Ste 930
Los Angeles, CA 90017
Certified Mail (Return Receipt)
Tracking No.: 7020-1810-0000-8734-8674

Ball Metal Beverage Container Corp.
818 W. 7th St., Ste 930
Los Angeles, CA 90017
Certified Mail (Return Receipt)
Tracking No.: 7020-1810-0000-8734-8698

**Re: MARTIN V. BALL CORPORATION; BALL AEROSPACE &
TECHNOLOGIES CORP.; BALL METAL BEVERAGE
CONTAINER CORP.**

LDWA CASE No. LWDA-CM-758859-19
LDWA CASE No. LWDA-CM-758861-19

**SECOND AMENDED PRIVATE ATTORNEY GENERAL ACT
LETTER AND FORMAL REQUEST TO INVESTIGATE**

Dear Sir or Madam:

This office represents Richard Martin, a former employee of Ball Corporation and/or Ball Aerospace & Technologies Corp. and/or Ball Metal Beverage Container Corp. (“Ball”).

This amendment **adds** the entity known as “Ball Metal Beverage Container Corp.” as an additional employer (and/or joint employer and/or integrated enterprise and/or alter ego) to:

- (1) CASE No. LWDA-CM-758859-19
- (2) CASE No. LWDA-CM-758861-19

Enclosed herewith are copies of all prior Notices relating to the above-referenced cases.

Thank you for your attention to this matter. Please feel free to contact me with any questions you may have.

Sincerely

LEVI LESCHES
Attorney for Richard Martin



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5757 Wilshire Boulevard, Ste 535
Los Angeles, CA 90036

March 5, 2024

California Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, CA 95814
Electronic Service

Ball Corporation
c/o CT Corp. System
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203
Certified Mail (Return Receipt)

Ball Metal & Beverage Container Corp.
c/o CT Corp. System
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203
Certified Mail (Return Receipt)

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Via E-Mail

Timothy B. Del Castillo
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Eason & Tambornini, A Law Corporation
1234 H Street, Suite 200
Sacramento, California 95814
Via E-Mail

**Re: MARTIN V. BALL CORPORATION; BALL AEROSPACE &
TECHNOLOGIES CORP.; BALL METAL BEVERAGE
CONTAINER CORP.**

**LDWA CASE No. LWDA-CM-758859-19
LDWA CASE No. LWDA-CM-758861-19**

**THIRD AMENDED PRIVATE ATTORNEY GENERAL ACT
LETTER**

Dear Sir or Madam:

This office represents Richard Martin, a former employee of Ball Corporation and/or Ball Aerospace & Technologies Corp. and/or Ball Metal Beverage Container Corp. (“Ball”) with respect to the following Case Numbers:

- (1) CASE No. LWDA-CM-758859-19
- (2) CASE No. LWDA-CM-758861-19

This amendment clarifies the November 22, 2019 PAGA letter by Martin (and amendments thereto) to the California Division of Occupational Safety & Health.

Martin’s November 22, 2019 PAGA letter contended that the named respondents failed to follow the requirements of 8 C.C.R. § 5110; that the named respondents failed to follow the requirements of 8 C.C.R. §§ 5189 & 5192, and that the named respondents failed to comply with HAZMAT-response regulations; that the named respondents failed to provide adequate protective clothing to protect against airborne

exposures from “Internal Coating”; and that employees were exposed to airborne exposures caused by “Internal Coating.”

This amendment clarifies that Martin’s November 22, 2019 PAGA letter, and the amendments thereto, only contended “regulatory violations,” “general violations,” and “repeat violations,” as defined in 8 C.C.R. § 334. Nothing in Martin’s November 22, 2019 PAGA letter should be construed as contending, in any way, a “serious violation” or “willful violation” of any matters described therein.

Enclosed herewith are copies of all prior Notices relating to the above-referenced cases. Thank you for your attention to this matter. Please feel free to contact me with any questions you may have.

Sincerely

LEVI LESCHES
Attorney for Richard Martin