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BALL CORP
Form 8-K
August 12, 2002

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

FORM 8-K
CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(d)
OF THE SECURITIES EXCHANGE ACT OF 1934

August 12, 2002

(Date of earliest event reported)

Commission file number 1-7349

BALL CORPORATION

(Exact name of Registrant as specified in its charter)

| | | |
|-----------------------------|--------------------------|--------------------------------------|
| <u>Indiana</u> | <u>1-7349</u> | <u>35-0160610</u> |
| (State of Incorporation) | (Commission File No.) | (IRS Employer Identification No.) |

10 Longs Peak Drive, P.O. Box 5000, Broomfield, CO 80021-2510
(Address of principal executive offices, including zip code)

(303) 469-3131

(Registrant's telephone number, including area code)

Not Applicable

(Former name or former address, if changed since last report)

Ball Corporation
Current Report on Form 8-K
Dated August 12, 2002

Item 9. Regulation FD Disclosure

On June 27, 2002, the Securities and Exchange Commission issued an Order requiring the filing of all reports on Form 10-Q, all reports on Form 8-K, and all definitive proxy materials of the reporting company with the Commission subsequent to the filing of Form 10-K identified in the statement, and any amendments to the foregoing.

- (a) file a written statement, under oath, that is in a form prescribed by the Securities and Exchange Commission, including a statement declaring whether or not the contents of that statement were reviewed with the company's audit committee, or
- (b) file a written statement, under oath, describing the facts and circumstances that would make the statement incorrect and declaring whether or not the contents of that statement have been reviewed with the company's audit committee.

A "covered" report is an Annual Report on Form 10-K filed with the United States Securities and Exchange Commission, all reports on Form 10-Q, all reports on Form 8-K, and all definitive proxy materials of the reporting company with the Commission subsequent to the filing of Form 10-K identified in the statement, and any amendments to the foregoing.

On August 9, 2002, R. David Hoover, Chairman of the Board, President and Chief Executive Officer and Raymond J. Seabrook, Senior Vice President and Chief Financial Officer of Ball Corporation, filed with the Commission, under oath, statements in accordance with the Securities and Exchange Commission Order stating that:

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- o no covered report contained an untrue statement of a material fact as of the end of the period covered by such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it was filed); and
- o no covered report omitted to state a material fact necessary to make the statements in the report, in light of the circumstances under which they were made, not misleading as of the end of the period covered by such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it was filed).

Each officer attests that they have reviewed the contents of the statement with the Audit Committee of Directors of Ball Corporation. A covered report is defined in the statement to include the Annual Report on Form 10-K filed with the United States Securities and Exchange Commission ("Commission") on March 1, 2002, all reports on Form 10-Q, all reports on Form 8-K and all definitive proxy materials of Ball Corporation filed with the Commission subsequent to the filing of the Form 10-K identified above; and any amendments to the statement filed with the Commission through the signature date of the statement.

The statements executed by the Chairman of the Board, President and Chief Executive Officer of Ball Corporation and the Senior Vice President and Chief Financial Officer of Ball Corporation are furnished to the Securities and Exchange Commission (and not deemed to be filed herewith) and are attached hereto as Exhibit 99.1 and Exhibit 99.2, respectively.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this statement to be signed on its behalf by the undersigned hereunto duly authorized.

BALL CORPORATION
(Registrant)

By: /s/ Raymond J. Seabrook
Name: Raymond J. Seabrook
Title: Senior Vice President and
Officer

Date: August 12, 2002

Ball Corporation and Subsidiaries
Form 8-K
August 12, 2002

EXHIBIT INDEX
Description

Sworn Statement by the Principal Executive Officer of Ball Corporation Regarding the Order Requiring the Filing of Sworn Statements Pursuant to Section 21(a)(1) of the Securities Exchange Act of 1934.
Sworn Statement by the Principal Financial Officer of Ball Corporation Regarding the Order Regarding the Filing of Sworn Statements Pursuant to Section 21(a)(1) of the Securities Exchange Act of 1934.