Dear Pro Se Intake Clerk,

This submission is made solely to restore a previously stricken evidentiary filing to the docket **on the first permissible filing date following the Court's most recent filing injunction**. It is identical in content to ECF 479, which was stricken solely under that temporary restriction.

Re-filing is made pursuant to Fed. R. Civ. P. 60(b)(3), Rule 83(b), and Fed. R. App. P. 10(e) to preserve record continuity and ensure an accurate appellate record. This filing does not advance new argument or seek reconsideration.

The attached PDF is flattened and retains the original timestamp for authentication. Please confirm docketing under the title above.

Respectfully,
/s/ Albert Rojas
Pro Se Defendant
319 W 18th St., Apt 3F
New York, NY 10011
rojas.albert@gmail.com
(646) 866-1669

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

MPHASIS CORPORATION,

Plaintiff,

v.

ALBERT ROJAS,

Defendant.

Case No. 1:25-cv-03175 (JMF)(OTW)

DEFENDANT'S REVISED RESPONSE TO ECF 475 (ORDER DATED OCTOBER 22, 2025)

Defendant Albert Rojas, appearing pro se, respectfully submits this Response to correct the factual and procedural mischaracterizations contained in ECF 475.

For clarity, each of the filings the Court struck (ECF 459 through 464, 471, and 472) was either (a) a motion for leave expressly authorized by ECF 455, or (b) a required response to Plaintiff's new sanctions motion (ECF 456). None re-argued any prior motion or issue. Each served a discrete record-correction or evidentiary purpose consistent with Rule 60(b)(3). Characterizing these as "relitigation" misapprehends their procedural posture and substance.

1. The filings were record-correction, not relitigation.

ECF	Title / Purpose	What It Actually Did	Why It's Not Relitigation or Duplication
459	Motion for Leave to Supplement or Clarif Rule 72(b)	Sought permission to file a 2-page clarification ensuring the Court could see ECF 411 & 414 (already filed evidence).	Procedural compliance, not a repeat of any argument. The motio explicitly says: 'Defendant does not seek to re-argue the merits.'

460	Letter-Motion for Leave to Respond to Plaintiff's Motion for Additional Sanctions	Requested leave to respond to a new sanctions motion (ECF 456) filed after the injunction.	Necessarily new matter; you can't 'relitigate' a motion that didn't exist before.
461	Response to Plaintiff's Motion for Additional Sanctions	Responded to ECF 456 with evidence disproving the 'refused to return laptop' statement.	Authorized by the Court's October 10 Order (ECF 455); addressed new motion, not old issues.
462	Motion for Leave to Supplement Rule 72(b)	Re-filed after the Court granted limited leave, confirming only a two-page supplement was permitted.	Expressly approved by Judge Furman: 'Application GRANTED… No response may be filed to it.'
463 + Exhibits	Cover letter + Clarification re ECF 12 + Nuvem Addendum	Provided factual documentation proving ECF 12 ¶ 2 was false.	New evidence, not previously before the Court; correcting the factual record.
464	Certificate of Service	Procedural notice listing attachments.	Purely administrative

2.

The filings referenced in ECF 475—specifically ECF 469 through 472 and 471—were not repetitive, frivolous, or designed to "relitigate" prior rulings. Each was submitted pursuant to Fed. R. Civ. P. 60(b)(3) and the Court's inherent authority to vacate or amend orders obtained through fraud or misrepresentation. Once evidence of falsity emerged, Rule 60(b)(3) compelled correction of the record as a matter of law.

The precise sentence at issue — "Defendant refused to return the QBE-issued laptop to Mphasis as directed by QBE" — remains unretracted despite Plaintiff's own exhibits proving no such directive was ever issued.

The issue presented is new and distinct: Plaintiff's assertion in ECF 12 p. 20 ¶ 2 that *"Defendant refused to return the QBE-issued laptop to Mphasis as directed by QBE."* That statement is now conclusively disproven by Plaintiff's own filings—ECF 14-25,

14-38, and 14-41 p. 52—showing that no such directive ever existed and that QBE remained silent until April 29, 2025.

Because that falsehood became the factual predicate for the $9,194.41 sanction order (ECF 404) and the subsequent enforcement motions, Defendant's filings correct a tainted evidentiary foundation, not a matter previously adjudicated. To strike them as "duplicative" is to subordinate judicial integrity to procedural convenience—contrary to the controlling authority of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), and *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991).

2. Each filing addressed a discrete remedial function.

ECF 469–470: Corrections submitted under Rules 60(a) and 11(b)(3), identifying and correcting the factual misstatement that underlies the sanctions chain.

ECF 471: Clarified newly searchable evidence (Exhibit D) demonstrating Plaintiff's contemporaneous knowledge of that falsity.

ECF 472–476: Sought vacatur of the $9,194.41 sanction order that directly flowed from the misrepresentation identified in ECF 12.

ECF 477: Formally notified the Court that Plaintiff's own submission (ECF 14) overtakes and contradicts the operative allegations in the Complaint.

Each of these filings served a **distinct and non-overlapping evidentiary function**, forming a **remedial continuum** necessary to restore the record's accuracy. None repeated prior argument; all were compelled responses to the same verified misrepresentation and its cascading procedural effects.

3. Fraud-correction cannot be deemed "duplicative."

Fraud upon the Court infects every order that relies upon it. Once discovered, the Court has an affirmative duty to purge the tainted finding. Labeling such filings "duplicative" subordinates truth to docket management and undermines the judiciary's duty to protect its own proceedings from deceit. As the Second Circuit has held, "There is no time limit to vacate judgments obtained by fraud on the court." (*Kupferman v. Consol. Research & Mfg. Corp.*, 459 F.2d 1072, 1078 (2d Cir. 1972)). Accordingly, these filings fall squarely within the exception for fraud, misrepresentation, or misconduct, not within any filing injunction or duplication rule.

The Court's inherent power exists not to silence correction, but to ensure that justice is not displaced by procedural formality.

4. Requested Relief.

Defendant respectfully requests that the Court:

1. **Reconsider ECF 475** in light of Fed. R. Civ. P. 60(b)(3), *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), and the newly demonstrated falsity of ECF 12 p. 20 ¶ 2;
2. **Restore to the docket** ECF 469 through 472 and 471 as proper Rule 60(b)(3) filings directed at correcting a material misrepresentation that affected subsequent orders; and
3. **Clarify on the record** that filings seeking to correct a proven misrepresentation are not "relitigation" or "duplication," but are **mandatory acts of judicial preservation** under federal law and the Court's inherent duty to ensure that its judgments rest upon verified fact and not fraud.

5. Closing.

The Court's integrity is best preserved not by suppressing filings that expose fraud, but by ensuring that every order rests on verified fact. That is the singular purpose of these submissions. None is duplicative—each represents a distinct step in restoring fidelity to the judicial record.

To preserve appellate rights and ensure compliance with the Court's duty to maintain an accurate record, Defendant adds the following notice:

6. Preservation of Appellate Rights

Defendant places the Court on notice that continued enforcement of the filing injunction in a manner that suppresses Rule 60(b)(3) fraud-correction filings would constitute reversible error. A district court's discretion to manage its docket ends where it conflicts with the constitutional and statutory duty to preserve an accurate judicial record. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

If the Court declines to restore or consider the filings identified above, Defendant will respectfully seek appellate review under 28 U.S.C. § 1291 and Rule 60(d)(3), because

the current record—where demonstrable falsity remains uncorrected—cannot stand as a matter of law.

This is not a threat; it is a preservation of rights and notice of intent to ensure that the judicial record remains truthful, complete, and compliant with governing precedent.

Notice Regarding Compliance and Record Correction

Defendant remains bound by the Court's filing injunction and will comply with its terms. At the same time, Defendant places the Court on notice that the false statement contained in ECF 12 p. 20 ¶ 2 — *"Defendant refused to return the QBE-issued laptop to Mphasis as directed by QBE"* — remains uncorrected and continues to taint the record.
Defendant will therefore continue to seek correction of that misrepresentation **through the procedures authorized by Rule 60(b)(3), Rule 60(d)(3), and appellate review**, until the record accurately reflects the evidence already before the Court.
This notice is made to preserve all rights while remaining in full compliance with the Court's orders.

Respectfully submitted,

/s/ Albert Rojas

Pro Se Defendant

319 W. 18th Street, Apt. 3F

New York, NY 10011

rojas.albert@gmail.com | (646) 866-1669

Dated: October 24, 2025