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 465, 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
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mphasis Corporation v. Albert Rojas
Case No. 1:25-cv-03175 (JMF)(OTW)

DECLARATION OF INABILITY TO PAY AND OBJECTION TO OVERBROAD SANCTIONS

I, Albert Rojas, declare as follows under penalty of perjury:

1. I remain unemployed, have no liquid assets, and cannot pay the $9,194.41 sanction at this time. My non-payment is based on financial impossibility, not defiance or refusal. If any monetary sanction is maintained, I respectfully request the least severe sanction sufficient to deter and a payment plan or stayed enforcement pending appeal.

2. Since the filing of the original Complaint (ECF 001), I have consistently informed both Plaintiff and the Court that I would provide Plaintiff with **all materials in my possession originating from the @mphasis.com domain**, including emails sent to me by Mphasis employees during my engagement. In fact, this information has **already been preserved and publicly archived** on my whistleblower website following my **retaliatory termination** from Mphasis. Those materials were subsequently **docketed by Plaintiff itself** as part of **ECF 14**, demonstrating that the Court already possesses the relevant data and communications at issue.
Mphasis was aware of the whistleblower website before initiating this action, and it was only after viewing that archive that it retained counsel and recast the situation as a “trade secret” dispute. The record shows that my intent has always been transparency and preservation of evidence—not concealment or misuse.

3. I respectfully submit that both Plaintiff and the Court already possess every relevant Mphasis-related document and communication through **ECF 14**, which Plaintiff itself docketed. That filing, drawn directly from the whistleblower archive, contains all emails and data from the *@mphasis.com* domain that were ever in my possession. For that reason, any further demand for forensic inspection of my personal laptop is unnecessary and disproportionate—particularly given that **Mphasis never provided me with a company-issued laptop** despite repeated

written promises to do so as documented in **ECF 14**. I was required to use my personal computer to edit the sixty-six-page QBE PowerPoint at management's request, and those same materials are already part of the Court's record at **ECF 14**. The existing record therefore satisfies any legitimate discovery need without invading a privately owned device.

4. I respectfully object to the scope of the sanction and the underlying imaging order as unnecessary and disproportionate in light of the record already before the Court, because it compels intrusion into my personally owned computer that was never the property of Plaintiff Mphasis. Defendant preserves all constitutional and appellate objections to device imaging and any monetary sanction and seeks a stay pending resolution of objections and appeal.

5. Defendant does not seek to defy the Court and stands ready to comply with any lawful order; the purpose of this filing is to preserve appellate rights and request the least severe sanction sufficient to deter, including a stay and/or payment plan if any monetary sanction is maintained.

6. Defendant respectfully notes that the record from ECF 001 (the Complaint) through ECF 014 already contains the key documents and factual disclosures relevant to the disputed issues. Plaintiff's counsel's representation in ECF 12 that "the QBE-issued laptop remains in Defendant's possession" was materially inaccurate when made and is contradicted by Plaintiff's own later filings. The materials Plaintiff continues to reference in subsequent dockets are copied verbatim from my whistleblower archive, which this Court already possesses as part of ECF 14 (see Ex. A; see also Exs. B–C). Accordingly, the Court can rely on ECF 14 as a comprehensive record of Mphasis-related data; additional duplicative submissions derived from the same source would be cumulative. I stand ready for trial based on those filings, which accurately reflect the facts and my full cooperation from the beginning of this case.

7. Respectfully, it appears the sanctions order may have overlooked key portions of ECF 14; had those portions been considered, much of the later confusion and repetitive motion practice might have been avoided. That filing fully maps the operational relationship between QBE, a multinational enterprise valued at over $33 billion, and its offshore contractor Mphasis, which jointly managed the same data environment at issue. The exhibits and audit materials in ECF 14 demonstrate how both entities participated in the endpoint governance failures underlying this case. Because that record already details every relevant communication, connector, and endpoint event, the continued portrayal of this matter as

"non-compliance" by a pro se whistleblower misstates the facts. The true picture is one of corporate oversight failures being shielded by layers of counsel, not of bad faith by the Defendant.

8. Plaintiff's own exhibit—**ECF 14-25 (Declaration of Brad D. Kelly, L.P.I.)**—shows Mphasis retained a private investigator to 'retrieve a company laptop' that, in fact, was **registered to QBE's endpoint inventory in my name**. The affidavit confirms I was **abroad** at the time and that **no QBE representative contacted me directly** about any device return. **QBE remained silent for months** until a later court order prompted action. The result was an **active, unmonitored endpoint** attributable to Mphasis/QBE's operational choices. On this record, compelling forensic imaging of my **personally owned** computer would **misallocate responsibility** and is **unnecessary and disproportionate** given the evidence already before the Court (including **ECF 14**). Separately, the same **unmonitored endpoint condition** reflects the **operational lapse** that precipitated the **March 2024 incident** described in the record; imaging my personal device does not remediate that lapse and would be cumulative of materials already filed.

9. As documented throughout **ECF 14** and its forty-two exhibits, Mphasis required me to perform QBE project work using my **personally owned laptop**, including editing a sixty-six-page presentation titled *QBE.pptx*. That file activity triggered monitoring alerts in Mphasis's offshore environment, which Mphasis later characterized as "unauthorized access." In reality, I was following the same instructions and workflow that Mphasis management provided. Those alerts became the pretext for my retaliatory termination. The evidence shows that the company's own configuration decisions—not any misconduct by the Defendant—created the incident now portrayed as a "breach."

10. The termination itself was an act of retaliation. In **October 2024**, while working in London, I filed a formal complaint with **Mphasis Cybersecurity Watch** reporting the existence of **dual active endpoints** between Mphasis and QBE—an exposure identical in kind to the configuration that caused the **March 2024 QBE Healthcare Data Breach**. After that disclosure, Mphasis management and cybersecurity personnel assured me that I would be issued an Mphasis-controlled laptop but never delivered one. Instead, I was directed by my manager, **Ruturaj [Last Name]**, to continue using my personal device to edit the sixty-six-page *QBE.pptx* presentation. That work, performed under

management's own authorization, generated the system alerts later cited as "misconduct." Within weeks, I was terminated. QBE took no corrective action and ignored the substance of my October 2024 report. The sequence of events, corroborated throughout **ECF 14 and its exhibits**, shows that this litigation arises from retaliation for raising a legitimate cybersecurity concern, not from any misuse of data or defiance by the Defendant.

11. As further documented in **ECF 14** and corroborated by the February 28, 2025 email from **Ruturaj Waghmode** (see a**ECF 14-14 Filed 04/30/25 Page 5 of 5**), Mphasis management directed me to edit a sixty-six-page presentation titled *QBE.pptx* on my personal laptop. That instruction came directly from Mr. Waghmode, who possessed the required system permissions to release the file. The work triggered system alerts inside Mphasis's India environment—the same type of internal endpoint activity that caused the **March 2024 QBE Healthcare Data Breach.** Within days of my October 2024 cybersecurity complaint to Mphasis's Cybersecurity Watch team about those dual endpoints, I was terminated. The timing and documentary record show that my dismissal was **retaliation for reporting a live compliance risk**, not for any alleged misconduct. QBE ignored the warning, Mphasis mischaracterized it, and both entities are now seeking to shift accountability through this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this **14th** day of October, 2025.

/s/ Albert Rojas
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