Dear Pro Se Intake Clerk,

I respectfully submit the attached document for docketing in:

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

The filing is titled:

"Defendant's Notice Regarding ECF 491 and Clarification of Nuvem's Role."

This Notice is submitted **on the first permissible filing date following the Court's most recent filing injunction** and is intended solely to ensure the Court has a complete and accurate factual record in connection with ECF 491. No relief is requested.

Please confirm docketing when complete. Thank you for your assistance.

Respectfully,
Albert Rojas
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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 NOTICE REGARDING ECF 491 AND CLARIFICATION OF NUVEM'S ROLE

Defendant respectfully submits this Notice to clarify factual context relevant to the Court's Order at ECF 491 and to explain why the findings in that Order relate to a separate federal action Defendant is preparing to file against 340B Technologies Inc. d/b/a Nuvem Health.

1. The Court correctly held in ECF 491 that Nuvem lacks any "direct, substantial, or legally protectable interest" in Defendant's devices. As the Court noted, Nuvem's asserted interest was "puzzling," "remote," and "contingent," and its attempt to intervene lacked any procedural justification.

2. The prior Nuvem litigation (25-cv-4684) is closed. Nuvem's intervention attempt in this matter occurred only after Defendant filed HHS/OCR disclosures and began documenting federally protected whistleblower activity. The timing reflects yet another attempt by Nuvem to influence the record of proceedings in which it is not a party.

3. The more significant fact, not previously before the Court, is that Mphasis retained a private investigator to retrieve a QBE-owned laptop from Defendant's residence. That device was unrelated to Mphasis and was an active, forgotten QBE healthcare endpoint. As reflected in Defendant's sworn submissions (ECF 472, 480, 481), this endpoint—not any personal device—is the origin of the 2024 QBE healthcare-data exposure.

4. The Court's observation that Defendant "steadfastly refused" imaging is fully consistent with federal whistleblower-immunity statutes, including the Defend Trade Secrets Act, 18 U.S.C. § 1833(b), and HIPAA's whistleblower protections, 45 C.F.R. § 160.316, as well as the Court's own determination that no party has a protectable interest in Defendant's personal devices. Defendant respectfully notes that the substantive evidence relevant to Mphasis and QBE—the healthcare-endpoint chain of custody, the offshore data-handling issues, and the contemporaneous communications—has already been preserved and publicly disclosed in Defendant's sworn filings and whistleblower archives. The value of the evidence lies not in the imaging of personal devices, but in the documented data-governance failures already of record, which are the same failures that prompted both entities to retain litigation counsel. Defendant

includes this clarification solely to ensure the Court has an accurate understanding of why imaging was neither necessary nor appropriate under the governing whistleblower statutes. Defendant further notes that he has never objected to Mphasis obtaining or reviewing any emails that originated from Mphasis's own corporate systems. Because Mphasis declined to provide Defendant with a company-issued device and instead routed Mphasis email to Defendant's personal laptop, all such communications remain fully accessible to Mphasis through its own mail servers and audit logs. Accordingly, any information transmitted to Defendant is already within Mphasis's possession and control, and forensic imaging of Defendant's personal devices is unnecessary to determine what Mphasis sent or received.

5. These facts form part of the factual basis for a new federal complaint that Defendant will file against Nuvem, alleging retaliation, suppression of protected disclosures, and misuse of legal process. The Court's findings in ECF 491 reinforce that Nuvem's filings were not protective but retaliatory in nature.

6. Defendant appreciates the Court's careful analysis in ECF 491 characterizing Nuvem's asserted interest as "puzzling," "remote," and "contingent." Defendant respectfully notes that Mphasis's retention of a private investigator to retrieve a QBE-owned healthcare endpoint—an asset wholly unrelated to Mphasis and central to the 2024 QBE data exposure described in ECF 472, 480, and 481—presents a similarly puzzling factual posture. The conduct of the third parties in this litigation, and the record preserved on Defendant's whistleblower sites, reflects issues far more substantive than any peripheral dispute over devices. Defendant submits this Notice only to ensure that the full factual context remains clear to the Court as this matter proceeds and, should the case continue toward trial, to facilitate an accurate and complete evidentiary record for the jury. This Notice is submitted solely to ensure the Court's findings in ECF 491 are understood within the full factual context of the third-party conduct described in Defendant's sworn filings (ECF 472, 480, 481).

7. Defendant also notes a further puzzling fact relevant to Nuvem's asserted concerns. After Defendant submitted the HHS/OCR breach notice regarding the imminent release of a system-administrator master key to offshore personnel—and after multiple internal warnings went unacknowledged—Defendant's direct supervisor at Nuvem expressly stated that "it is not your responsibility to alert HHS." This directive was given on Defendant's fourth day of employment, at a time when Nuvem expected the elevated-access key to be released notwithstanding federal compliance requirements. The instruction not to notify HHS, combined with Nuvem's subsequent attempts to inject itself into this litigation, reinforces that Nuvem's posture in ECF 491 was not protective in nature but consistent with a broader pattern of discouraging or suppressing federal breach reporting. Defendant includes this information solely to provide the Court with the complete factual context surrounding Nuvem's conduct.

Defendant submits this Notice solely to ensure the Court has an accurate factual record in connection with ECF 491. No further relief is requested.

Dated: December 2, 2025
Respectfully submitted,
/s/ Albert Rojas

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