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Dear Pro Se Intake Clerk,

Please docket the attached filing titled **"Defendant's Objection to Magistrate Order (ECF 475) – Integrated with § 1746 Record"** in *Mphasis Corporation v. Rojas*, Case No. **1:25-cv-03175 (JMF)(OTW)**.

This submission is filed **on the first permissible filing date following the Court's most recent filing injunction**. It incorporates and authenticates the evidentiary record through Defendant's sworn Declaration under 28 U.S.C. § 1746 (ECF 480) and Addendum (ECF 481). Together, those filings establish the verified factual basis for this Objection and clarify the procedural inconsistencies within ECF 475.

The attached Exhibit A – *Index of Stricken Filings* (ECF 458–472) identifies each record entry affected by ECF 475 and demonstrates that the referenced filings were sequential Rule 60(b)(3) record-correction submissions, not duplicative motions.

Please confirm docketing under the title above. Thank you for your attention and assistance.

Respectfully,
/s/ 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 OBJECTION TO MAGISTRATE JUDGE WANG'S ORDER (ECF 475) STRIKING ECF 458–472

Verified Record Reference

On October 28 and 30 2025, Defendant filed a Declaration under 28 U.S.C. § 1746 (ECF 480) and an Addendum to ECF 480, each submitted under penalty of perjury to authenticate the evidentiary record (ECF 470–479) and clarify the private-investigator timeline (ECF 14-25). Those sworn filings—together with the publicly mirrored archive at QBE.world—establish a complete factual foundation for this Objection and verify that all cited exhibits originate from Plaintiff's own record and filings.

Defendant Albert Rojas respectfully objects, under Fed. R. Civ. P. 72(a) and the Court's inherent authority, to Magistrate Judge Wang's Order dated October 22, 2025 (ECF 475), which directs the Clerk to strike ECF 458–472. That directive rests on the mistaken premise that these filings were "duplicative" or "frivolous." In fact, each submission performed a discrete, non-overlapping Rule 60(b)(3) function—correcting a demonstrably false factual predicate that remains uncorrected in the record.

The October 22, 2025 Order (ECF 475) contains a self-contradictory directive concerning ECF 459. Page 1 expressly holds that "ECF Nos. 459 and 470 should remain on the docket," yet Page 2 simultaneously directs that "ECF Nos. 458, 459, 464, 465, 466, 467, 468, 471, and 472 are STRICKEN." The record therefore does not clearly indicate whether ECF 459 is operative or stricken, warranting clarification before any sanction or default order may rest upon that entry. Because ECF 459—the motion for leave to supplement—was expressly authorized when Judge Furman granted that request and accepted the resulting filing at ECF 470, striking 459 conflicts with that authorization and exceeds the scope of the filing injunction referenced in ECF 447.

1. The Stricken Filings Were Sequential, Not Duplicative

The filings that Magistrate Judge Wang ordered stricken (ECF 458–472) were not repetitive or frivolous. Each served a distinct remedial or procedural function, as

summarized in **Exhibit A (Index of Stricken Filings, ECF 458–472)**, attached hereto and incorporated by reference.

As Exhibit A shows, these submissions progressed in a logical sequence:

- **ECF 458** → initial Rule 60(b)(3) notice identifying the false predicate;

- **ECF 459–462** → narrow clarifications and supplements expressly authorized by prior orders;

- **ECF 463–466** → record-correction filings supported by new evidence; and

- **ECF 467–472** → motions for reconsideration, opposition, and vacatur based on the same false statement's continuing impact.

No two filings repeat the same argument or request the same relief. Each addressed a different procedural posture or evidentiary development. Treating them as "duplicative" collapses distinct stages of record correction into a single act, contrary to Rule 60(b)(3)'s design.

2. The Record's Core Falsehood Remains Uncorrected

This case cannot proceed on the false premise that Defendant "refused to return the QBE-issued laptop." Plaintiff's own exhibits prove no directive was ever given before April 29, 2025. That falsehood tainted the $9,194.41 sanction and, if uncorrected, will infect summary judgment.

As confirmed by the sworn § 1746 Declaration (ECF 480 ¶ 6) and its Addendum (docketed Oct 30 2025), the factual premise addressed below has been authenticated under penalty of perjury and now stands as verified evidence within the federal record.

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 (ECF 14-25, 14-38, 14-41 p.52) confirming that QBE did not issue its first return label until April 29, 2025. Before that date, no directive existed — and without a directive, there could be no "refusal." Silence was mischaracterized as defiance.

This misrepresentation was not harmless. It became the factual foundation for the $9,194.41 sanction order (ECF 404) and has distorted the Court's view of Defendant's credibility in derivative rulings. By portraying Defendant as disobedient, the falsehood shifted burdens, skewed proportionality, and infected proceedings dependent on accurate fact-finding. A judicial record anchored in falsity cannot support sanctions, dispositive motions, or summary judgment.

Both Rule 60(b)(3) and Rule 11(b)(3) exist to correct precisely this scenario. Rule 60(b)(3) provides relief from orders based on fraud or misrepresentation. Rule 11(b)(3) obligates counsel to withdraw factual contentions once shown to lack evidentiary support. Together, these rules embody *Hazel-Atlas's* command that no court ruling should rest upon a fraud-tainted premise. Correcting this misstatement is not optional — it is

essential to preserve judicial integrity and ensure that all future rulings rest on verified fact rather than falsehood.

3. Incorporation of Exhibit A

For the Court's convenience and in the interest of judicial economy, **Exhibit A – Index of Stricken Filings (ECF 458–472)** is attached in full. It details the date, title, purpose, and distinct function of every filing. Defendant respectfully requests that the Court review Exhibit A as part of this objection to confirm that none of the stricken filings overlap in purpose or substance.

Defendant specifically requests that the District Judge review Exhibit A in full before ruling on this Objection, as it demonstrates that each filing addressed a distinct procedural step necessary to correct the record.

4. Requested Relief

Defendant respectfully requests that the District Judge:

1. Vacate the portion of ECF 475 directing the Clerk to strike ECF 458–472;

2. Restore those filings to the docket as proper Rule 60(b)(3) submissions; and

3. Clarify that fraud-correction filings addressing newly proven misrepresentation are not subject to any duplication bar.

5. Preservation of Appellate Rights

Defendant also 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 has discretion to manage its docket, but that discretion ends where it conflicts with the duty to preserve an accurate 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 Court cannot allow a sanction, or any judgment, to stand on a foundation it now knows to be false.

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

Verified Evidentiary Basis

This Objection incorporates by reference Defendant's sworn § 1746 Declaration (ECF 480) and its Addendum (docketed Oct 30 2025). Those filings, taken together, provide the verified factual record necessary for Rule 72(b) review and ensure that this submission proceeds on authenticated evidence rather than disputed narrative. The Court may take judicial notice of that record pursuant to Fed. R. Evid. 201(b).

Respectfully submitted,

/s/ Albert Rojas
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Dated: November 11, 2025

A true and correct copy of Exhibit A (Index of Stricken Filings, ECF 458–472) is attached hereto and incorporated by reference.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MPHASIS CORPORATION,)
Plaintiff,)
)
v.) Case No. 1:25-cv-03175 (JMF)(OTW)
)
ALBERT ROJAS,)
Defendant.)
_____)

EXHIBIT A
INDEX OF STRICKEN FILINGS (ECF 458–472)

This exhibit provides a consolidated index of filings previously stricken from the record, referenced in Defendant's § 1746 Declaration (ECF 480). It summarizes the evidentiary cross-references needed for review of the Rule 60(b)(3) record-correction sequence.

Authenticated in Defendant's Declaration under 28 U.S.C. § 1746 (ECF 480).

Executed on November 5, 2025, in New York, New York.

/s/ 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)

EXHIBIT A — INDEX OF STRICKEN FILINGS (ECF 458–472)

(For Reference Only — Not a Re-Filing)

ECF No.	Title / Caption	Date Filed	Purpose & Summary	Why Not Duplicative or Frivolous
458	Rule 60(b)(3) Notice of Record Correction	Oct 10 2025	Initial notice identifying the false predicate in ECF 12 p. 20 ¶ 2 ('Defendant refused to return the QBE-issued laptop to Mphasis as directed by QBE').	Established the fraud-correction foundation; predates and informs later clarifications.

459	Motion for Leave to Supplement or Clarify Rule 72(b) Objection	Oct 11 2025	Requested permission to file a two-page clarification linking ECF 411 & 414 (evidence of QBE chain of custody).	Procedural compliance; expressly disclaimed any re-argument.
460	Letter-Motion for Leave to Respond to Plaintiff's Motion for Additional Sanctions	Oct 12 2025	Sought leave to respond to Plaintiff's new sanctions motion (ECF 456).	Addressed a new motion filed after the injunction—could not be relitigation.
461	Response to Plaintiff's Motion for Additional Sanctions	Oct 13 2025	Rebutted ECF 456 using evidence disproving the 'refused laptop' claim.	Authorized by ECF 455; answered new allegations, not prior rulings.
462	Motion for Leave to Supplement Rule 72(b)	Oct 14 2025	Clarification under leave granted by Judge Furman ('Application GRANTED ... No response may be filed').	Non-duplicative; fulfilled explicit court authorization.
463 463-1 463-2 463-3	Clarification re ECF 12 & Nuvem Addendum	Oct 15 2025	Presented searchable evidence proving ECF 12 ¶ 2 false, plus whistleblower Addendum on Nuvem data.	Supplied new factual proof; distinct evidentiary function.

464	Certificate of Service	Oct 15 2025	Confirmed service of ECF 458–463 to opposing counsel.	Purely administrative — no legal argument.
465	Supplement Clarifying Hazel-Atlas Fraud Standard	Oct 16 2025	Connected new evidence to Hazel-Atlas and Chambers precedent for record correction.	Expanded legal basis; not repetitive of prior filings.
466 466-1	Rule 60(b)(3) Memorandum and Exhibit A (Email Chain)	Oct 16 2025	Documented internal Mphasis emails proving QBE-laptop usage was company policy.	Introduced direct proof contradicting Plaintiff's sworn declaration; new evidence.
467	Enhanced Motion for Reconsideration / Clarification and Stay	Oct 15 2025	Requested stay of sanctions and clarification pending Rule 60(b)(3) review.	Procedural motion with distinct relief (scope and timing).
468	Opposition to Plaintiff's Letter-Motion for Additional Sanctions (ECF 456)	Oct 15 2025	Opposed new sanctions request; argued ECF 12 premise false and sanction disproportionate.	Response to different motion; cannot be relitigation.
469	Notice of Supplemental Relief Sought — Rule 60(b)(3)	Oct 17 2025	Notified Court of fraud-correction basis and intent to vacate tainted sanction order.	Procedural notice advancing record integrity; non-repetitive.

470	Supplemental Rule 60(b)(3) Memorandum of Law	Oct 18 2025	Linked new evidence to Hazel-Atlas and Chambers authority for vacatur.	Distinct legal argument on fraud standard and scope of relief.
471	Addendum Clarifying Evidentiary Significance of Exhibit D	Oct 20 2025	Re-submitted Exhibit D in searchable form; showed ongoing communications contradict 'refused laptop.'	Clarification only; same document in accessible format, not new argument.
472	Motion for Relief from Order Under Rule 60(b)(3) and Leave to Supplement Under Rule 15(d)	Oct 19 2025	Comprehensive motion to vacate $9,194.41 sanction based on false predicate in ECF 12.	Culminating filing integrating proof from prior ECFs; new substantive relief request.

Each filing addressed a distinct phase of record correction under Rule 60(b)(3). No two filings are identical in purpose or content; each served the single objective of correcting the false statement in ECF 12 p. 20 ¶ 2 so that the Court's orders rest on fact, not fiction.