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 474, 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,
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

ALBERT ROJAS,
Defendant.

DEFENDANT'S MEMORANDUM REGARDING THE FALSE STATEMENT IN ECF 12 p. 20 ¶ 2 — MISREPRESENTATION OF OWNERSHIP, AUTHORITY, AND FACTUAL CONTROL

Defendant Albert Rojas, appearing pro se, respectfully submits this memorandum to preserve and clarify the record concerning the false statement contained in Plaintiff's filing at ECF 12 p. 20 ¶ 2, which reads:

"Further, he has refused to return the QBE-issued laptop to Mphasis as directed by QBE."

I. BACKGROUND

That single sentence became the factual predicate for the Court's later sanction orders (ECF 140, 404) and for the compelled forensic imaging of Defendant's personally owned device. **The resulting sanctions order (ECF 404) relied expressly or implicitly on this misrepresentation, converting an evidentiary falsehood into a punitive order against a whistleblower acting in good faith.** The statement is materially false in three independent respects—ownership, authority, and factual control—each documented in the existing record (ECF 14 and its incorporated exhibits).

II. ARGUMENT

A. Misstatement of Ownership
The device referenced in ECF 12 was a **QBE-registered endpoint**, not Mphasis property. ECF 14-38 and QBE's asset records confirm that QBE, not Mphasis,

owned and administered the hardware. Plaintiff's description of that device as "Mphasis property" therefore misrepresented ownership to the Court.

B. Fabrication of Authority

The phrase "as directed by QBE" fabricates an instruction that never occurred. Contemporaneous correspondence (ECF 14-25; 14-41 p. 52) demonstrates that QBE issued **no directive** to Defendant to return any equipment to Mphasis. Only QBE could lawfully request return of its asset; Mphasis had no authority to act or speak on QBE's behalf. The record contains no communication from QBE conveying such a directive.

C. Falsification of Factual Control

The same sentence falsely implies defiance by Defendant. The undisputed record shows that Defendant repeatedly requested a return label beginning December 2024 and that **QBE remained silent until April 29 2025**, when the label was finally produced (ECF 14-25, 14-38). The delay was corporate inaction, not individual refusal. Depicting that silence as "refusal" in federal court constitutes a knowing or reckless misrepresentation under Fed. R. Civ. P. 11(b)(3).

D. Materiality Under Rule 60(b)(3)

By collapsing distinct corporate capacities—QBE's asset custody and Mphasis's employment supervision—into a single accusatory phrase, Plaintiff's counsel constructed a false composite narrative that portrayed lawful compliance as defiance. That misrepresentation was material, induced judicial action adverse to Defendant, and prevented a full and fair presentation of the facts. It therefore satisfies the standard for relief under Fed. R. Civ. P. 60(b)(3). See *McMunn v. Memorial Sloan-Kettering Cancer Ctr.*, 191 F. Supp. 2d 440, 445 (S.D.N.Y. 2002).

III. CONCLUSION

For these reasons, Defendant respectfully requests that the Court:

1. Acknowledge on the record that the representation in ECF 12 p. 20 ¶ 2 is factually inaccurate;
2. Direct that any finding or sanction predicated on that misstatement be reconsidered or disregarded; and
3. Grant such further relief as the Court deems just and proper to preserve the integrity of the docket and ensure that all future orders rest on accurate evidence.

IV. ON THE COURT'S PRIOR EXPRESSIONS REGARDING DOCKET VOLUME

Defendant recognizes the Court's prior concerns about the number of docketed submissions. However, the volume of filings has been the direct and foreseeable result of Plaintiff's misrepresentation at ECF 12 p. 20 ¶ 2 and the Court's subsequent reliance on that statement in imposing sanctions. Each corrective filing has been necessary to preserve the accuracy of the record and to protect the integrity of judicial findings that rest on demonstrably false evidence. A party who has been sanctioned on the basis of an admitted factual inaccuracy cannot be faulted for seeking to restore the truth of the record. Accordingly, Defendant submits that further objections to filing frequency should yield to the higher duty—shared by both litigants and the Court—to ensure that all orders are grounded in verified facts.

Respectfully submitted,

/s/ Albert Rojas
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