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 466, 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)

DEFENDANT'S ENHANCED MOTION FOR RECONSIDERATION/ CLARIFICATION AND STAY

Defendant Albert Rojas respectfully moves for reconsideration or, in the alternative, clarification of the sanctions/imaging order, and for a stay of any monetary sanction pending resolution of objections and appeal. This motion is filed contemporaneously with the Declaration of Inability to Pay and Objection to Overbroad Sanctions. This motion is timely under Local Civil Rule 6.3 because it is brought promptly after entry of the order and upon discovery that the Court may have overlooked factual matters set forth in ECF 14.

Relief Requested

(i) Reconsideration or, in the alternative, clarification of the sanctions/imaging order because the Court overlooked controlling facts set forth in ECF 14; (ii) a finding that further forensic inspection of a personally owned laptop is unnecessary and disproportionate given the record already before the Court; and (iii) a stay of any monetary sanction pending resolution of objections and appeal, supported by Defendant's documented inability to pay.

Background

ECF 14 (filed by Plaintiff) consists of materials copied from Defendant's whistleblower archive and already contains the relevant Mphasis/QBE communications and files. Assertions in ECF 12 that a "QBE-issued laptop" remains in Defendant's possession and that he refused to return it are materially inaccurate and contradicted by later filings; the record shows Defendant was instructed to use a personally owned laptop for Mphasis work (see, e.g., **ECF 14-25** affidavit; **14-41** at pp. 52, 91–92). On this record, imaging a personally owned device is cumulative (see Ex. A; see also Exs. B–C).

Legal Standard

Reconsideration is warranted where the Court overlooked controlling decisions or factual matters that would reasonably be expected to alter the conclusion.

See Local Civil Rule 6.3. Clarification is likewise appropriate to avoid confusion or unintended breadth. A stay pending objections/appeal considers the familiar factors: likelihood of success, irreparable harm absent a stay, injury to other parties, and the public interest.

Argument

A. Device imaging of a personally owned laptop is unnecessary and disproportionate.

A(1). Targeted fallback protocol (only if the Court orders any device review).

If—only in the alternative—the Court orders any device review, Defendant requests a narrow, neutral protocol: (i) date range limited to the period of alleged possession; (ii) agreed search terms limited to custodians and project names; (iii) use of a neutral forensic vendor with production of hit-report only to counsel for privilege/log review; and (iv) exclusion of personal/medical/financial content by hash- or folder-based filters.

Under Fed. R. Civ. P. 26(b)(1), discovery must be both relevant and proportional to the needs of the case. Because the operative communications/files are already in the record via ECF 14, compelling invasive device imaging is cumulative and not proportional. Fed. R. Civ. P. 26(c) also authorizes protective orders to shield parties from undue burden or intrusion.

B. ECF 12 rests on a materially inaccurate premise regarding a "QBE-issued laptop."

The imaging order appears to rely on ECF 12's assertion that Defendant retained a QBE-issued laptop and refused to return it. The record shows Defendant used a personally owned device at Mphasis's direction; imaging that device would sweep far beyond any legitimate discovery need.

C. The least-severe sanction standard supports remission, a nominal sanction, or a payment plan.

Even if any sanction is maintained under Rule 37, it should be no more severe than necessary to deter. Defendant is unemployed and demonstrates inability to pay; a stayed, nominal, or scheduled payment structure is the least-restrictive means to achieve deterrence without imposing impossible conditions.

D. A short stay is warranted pending objections/appeal.

Defendant's objections present substantial questions; absent a stay, collection efforts would cause irreparable harm given documented inability to pay; a brief

stay will not prejudice Plaintiff (which already has the relevant materials in ECF 14); and the public interest favors decisions on a complete and accurate record. Likelihood of success: the order rests on ECF-12's materially inaccurate premise; irreparable harm: immediate collection against an indigent pro se litigant; no prejudice: Plaintiff already has the operative materials in ECF 14; public interest: accuracy and proportionality in discovery.

Conclusion

Accordingly, Defendant respectfully requests an order granting reconsideration/clarification, vacating any compelled imaging of a personally owned device as unnecessary and disproportionate, and staying any monetary sanction pending objections/appeal; or, in the alternative, imposing the least-severe sanction with nominal or scheduled payments and stayed enforcement.

Defendant respectfully requests brief written findings on proportionality and the 'personally owned device' issue.

Dated: October 14, 2025

/s/ Albert Rojas
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UNITED STATES DISTRICT COURT
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PROPOSED ORDER

Upon consideration of Defendant's Motion for Reconsideration/Clarification and Stay, and good cause appearing, it is hereby ORDERED that:

1. The Motion is GRANTED. The Court clarifies that compelled forensic imaging of Defendant's personally owned laptop is unnecessary and disproportionate on the present record without prejudice to a narrowly tailored, neutral protocol if truly necessary;

2. Any monetary sanction is STAYED pending resolution of Defendant's objections and appeal; and

3. In the alternative, should any monetary sanction remain, enforcement shall be stayed and payment shall be structured on a schedule set by the Court, consistent with Defendant's demonstrated inability to pay.

SO ORDERED.

Dated: _____, 2025
New York, New York

_____
Hon. Ona T. Wang
United States Magistrate Judge