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 468, 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
Pro Se Defendant
319 W 18th St., Apt 3F
New York, NY 10011
rojas.albert@gmail.com
(646) 866-1669

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Defendant's Opposition to Plaintiff's Letter-Motion for Additional Sanctions (ECF No. 456)

Opposing ECF 456 (filed Oct. 14, 2025)

Preliminary Statement. Plaintiff's letter seeks escalating sanctions and contempt based on non-payment. But the record shows **inability to pay**, not willful defiance, and the predicate assertion in **ECF 12**—that Defendant retained a "QBE-issued laptop" and refused to return it—is **materially inaccurate**. The Court should deny Plaintiff's application and, at minimum, stay any monetary sanction pending objections/appeal. See **Defendant's Enhanced Motion for Reconsideration/Clarification and Stay** and **Declaration of Inability to Pay**, filed herewith.

All record citations are to Plaintiff-docketed materials (ECF 12, ECF 14 and attachments) and to supplemental exhibits filed with leave.

1. No willfulness—documented inability to pay. Defendant is unemployed and has no liquid assets; non-payment is **financial impossibility**, not contempt. He requests the **least-severe sanction** and a **payment plan or stayed enforcement** if any monetary sanction remains. Plaintiff's authorities (invoked to justify escalating remedies in **ECF 456**) are inapposite to a record of inability rather than refusal.

2. Plaintiff's premise is wrong (ECF 12). The "**QBE-issued laptop"** premise is **materially inaccurate**. Defendant was instructed to perform Mphasis work on a **personally owned device**, and the operative materials are already before the Court via **ECF 14**. Forensic imaging of a personal device would **misallocate responsibility** and is **unnecessary and disproportionate**. See **Exhibit A (Clarification re ECF 12)** and **Enhanced Motion** (Background/Argument).

3. Proportionality & targeted fallback. Because the communications/files are already in the record via **ECF 14**, broad device imaging is **cumulative** and not proportional under Rule 26(b)(1). If—and only if—the Court orders any device review, Defendant proposes a **narrow, neutral protocol** (limited date range,

agreed search terms, neutral vendor with **hit-report only**, and exclusion of personal content).

4. Stay factors favor Defendant. Likelihood of success: the order rests on a **materially inaccurate premise** (ECF 12); irreparable harm: immediate collection against an indigent pro se litigant; no prejudice: Plaintiff already has the operative materials via **ECF 14**; public interest: **accuracy and proportionality** in discovery and sanctions.

Conclusion. Plaintiff's letter-motion (**ECF 456**) should be **DENIED**. Alternatively, any monetary sanction should be **stayed** pending objections/appeal, or structured as the **least-severe** measure (nominal or scheduled payments). Defendant incorporates by reference his **Enhanced Motion** and **Declaration** filed together with this Opposition.

Dated: October 14, 2025

/s/ Albert Rojas
Albert Rojas (Pro Se Defendant)
319 W. 18th Street, Apt. 3F
New York, NY 10011
rojas.albert@gmail.com | (646) 866-1669