

EXH. M



Disclaimer: This web page was drafted solely using original materials from ECF Nos. 14-38 and 14-41—filed by Mphasis itself. These public exhibits are now being retroactively labeled as ‘trade secrets.’ The record speaks for itself.

ECF No. 14–38. (pdf)



ECF No. 14-41 (pdf)



This Is Not Just a Breach. It’s a Pattern:

From: Arul A <Arul.A@mphasis.com>

Sent: Thursday, October 31, 2024 2:53 PM

Subject: RE: [External] Incident : INC0998747 - QBE & Mphasis emails

Hi Defendant,

Just want to keep you informed, since you already got client laptop, Mphasis IT team will not provide you Mphasis laptop.

Regards,

Arul. A

Global Strategic Resourcing (GSR) | Human Resources | Mphasis Corporate Support

----- message -----

Nov 1, 2024 at 1:19:28 PM: **Defendant** states; “**QBE Policy Reference:**

Group Acceptable Use Policy.pdf, page 10 4.8 Prohibited Behavior Section (r): Use unauthorized third-party email services for exchanging business-related messages and information. Only QBE-approved systems may be used for transmitting sensitive information relevant to our business.

Additional Note:

Accessing third-party systems, including portals or email clients, through web connectors can pose security risks. Based on experience with companies like Walmart, BofA, and others, security incidents are often internal rather than external.”

----- message -----

Nov 1, 2024 at 1:19:28 PM: **Defendant** states; “Thank you for your time, Yaberry!

Forwarding the email thread as requested, though it’s not an ideal one. I strongly recommend that Mphasis employees avoid accessing the Mphasis web portal using client laptops on their network.”

----- message -----

On February 28, 2025, Mphasis management, through Ruturaj Waghmode, transmitted confidential QBE materials to Defendant’s Mphasis email, which he accessed via personal MacBook due to Mphasis’s failure to provide standard corporate hardware. Lacking domainjoined equipment necessary for compliance, Defendant was compelled to forward the QBE.pptx

file from his Mphasis email (albert.rojas@mphasis.com) to his personal email (rojas.albert@gmail.com) to complete required work.

Under the doctrine of equitable estoppel (Kosakow v. New Rochelle Radiology, 274 F.3d 706, 725 (2d Cir. 2001)) and unclean hands (Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co., 324 U.S. 806, 814 (1945)), Plaintiff cannot assert violations that it induced through its own failure to provide basic resources. Plaintiff's failure to furnish tools required for compliance negates any assertion of willful misconduct (Heckler v. Community Health Services, 467 U.S. 51, 59 (1984)).

From: Ruturaj Waghmode <ruturaj.waghmode@mphasis.com>

Sent: Friday, February 28, 2025 10:23 AM

To: Albert Rojas <albert.rojas@mphasis.com>

Subject: QBE draft deck

Regards, Ruturaj +1.650.507.9809

QBE.pptx

Selected Achievement

He enhanced document decoding for QBE by integrating an LLM with a linguistic model, reducing processing time from 35s to <2s without compromising accuracy.

READ MORE

Denied a company laptop, he used his personal device and bought an Office license to meet a critical weekend deadline—VP Ruturaj Waghmode bypassed standard access controls to send the file directly due to blocked SharePoint access.

A

to Jitendra, Nitin, 'shannon.berson@mphasis.com, Jitendra, Dean

Dec 17, 2024, 6:13 PM

☆ 😊 ↩ ⋮

Hi Team,

I hope you're doing well. I'm unable to access Mphasis emails from QBE. I previously submitted a request for an Mphasis laptop while using my personal Mac, which I no longer have.

Could you please arrange for the same setup as Dean? Please refer to his note below for details.

I would appreciate an update on the status of the Mphasis laptop when you have a chance.

Thank you!

Best regards,
[REDACTED]

DF

Dean Forrest

Chat Shared

+

📞

✓

👤

⋮

📎

11:52 AM

Do you have a QBE laptop???

Dean Forrest 11:52 AM

DF

Yes

11:52 AM

how do you access Mphasis emails from QBE laptop without downloading the mrosoft aithenticator?

Dean Forrest 11:52 AM

DF

I don't have my Mphasis emails on my QBE machine

I use my Mphasis laptop for it.

11:53 AM

Copy!

From: Ruturaj Waghmode <ruturaj.waghmode@mphasis.com>
Sent: Friday, February 28, 2025 10:23 AM
Subject: QBE draft deck

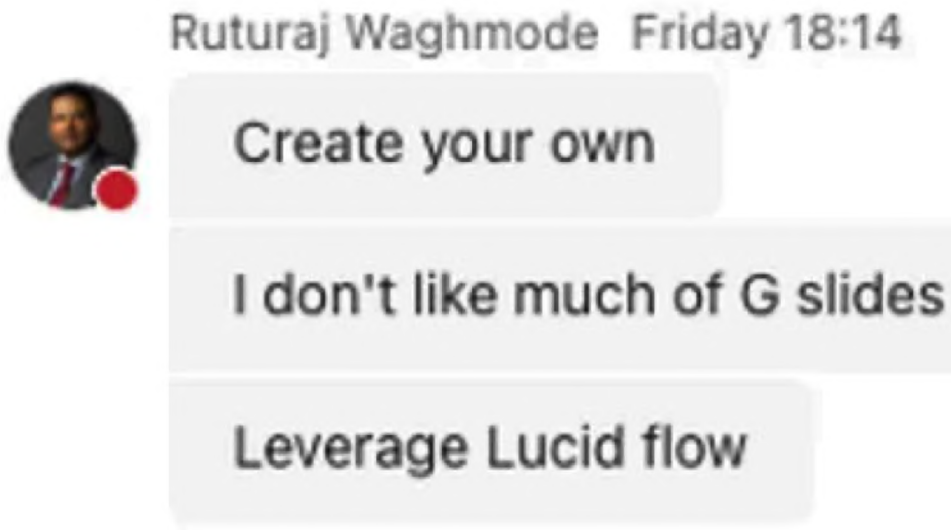
Regards,
Ruturaj
+1.650.507.9809

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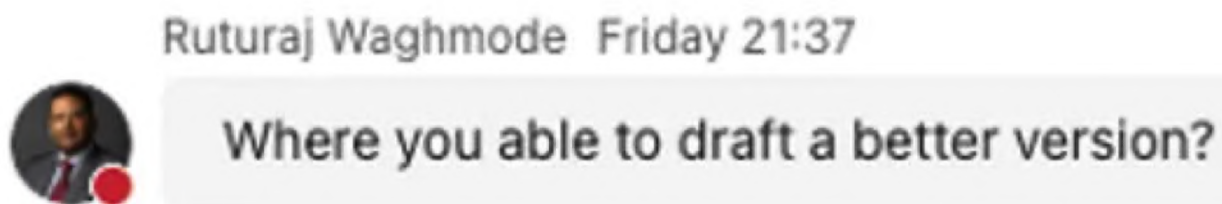
QBE.pptx



In a Microsoft team meeting, Ruturaj Waghmode mocked him with dinosaur images and called “not a modern guy” for questioning a 69-page Lucid deck for a 2-week QBE engagement. Framed as humor, it felt age-related and hostile. I reported it and filed a formal complaint.



Georg's slide deck didn't align with management's expectations. So I took the weekend to rewrite them.



Turning slides into strategy is an art—not just an assignment. Respect, inclusion, and professionalism should guide all collaboration.



While possibly intended as a joke, Ruturaj shared images of dinosaurs during a screen-sharing session, which, given the context, seemed inappropriate and possibly ageist. This act appeared hostile and age-related, as I am over 50.

The proposal deck includes Lucid (—can you confirm?
Safe travels!
Best,

Ruturaj Waghmode Monday 22:23



Please fix

I think you need to email me your deck as I can't download it. Some points: **Slide 3:** Rename to "Our Contact Center Tuning Best Practices."

- **Slide 5:** Adjust the x-plot to show that *Stream 1 learnings feed into Stream 2*.
- **Slide 6:** Clarify that the 2-week *Stream 1* supports the *recommendations* deliverable (remove the implication of needing 6 weeks).
- **Slides 6, 10, 11:** Fix the "Lucid Motoes" typo.
- **Slide 12:** Consider moving this to the beginning of the presentation.
- **Slides 13, 16, 18:** These may not be necessary for this *Discovery* presentation.

Tuesday 10:00 Edited

safe travels. Last question, who is giving the presentation to QBE/Sydney? Would be great to have a quick Team's talk with him or her. Cheers!



Regarding your "SC" note on the VMware project at Flagstaff Bank (Long Island)—if you give me the presentation for QBE in Sydney, I'll secure the business for you.
Let me know how you'd like to proceed.

Ruturaj Waghmode Tuesday 18:40



AI, when can we talk?

Ruturaj continues to ask for support and provided constructive feedback on presentation errors I raised.



I'm on deck in teams...

My cell just in case (

Ruturaj Waghmode 18:09



Sorry bad live

Line

Reach out to Jitendra for guidance on next steps

After the task was completed Sunday, communication from management ceased. , he was sidelined and told to contact his manager in London for next steps.

He faced repeated exclusion and was ultimately removed from the project with a comment suggesting he did not follow a “modern approach”—a remark perceived as age-related, as he is > 50 years of age.

Clarification Needed on Project Changes

Fri, Mar 7, 2025 at 7:18 PM

To: Jitendra Borkar <Jitendra.Borkar@mphasis.com>, Arun Thomas <Arun.Thomas@mphasis.com>, Raturaj Waghmode <raturaj.waghmode@mphasis.com>, George Ioannou <george.ioannou@mphasis.com>, Shannon Mostafazadeh <shannon.mostafazadeh@mphasis.com>
Cc: Albert Rojas <albert.rojas@mphasis.com>

Team,

I just finished a Teams meeting with Raturaj, but due to a poor connection, I've attached a screenshot of our conversation: "**Raturaj Today Chat.png**."

Per Raturaj's request, I rewrote George's QBE proposal over the weekend. A transcript of our weekend chat is attached: "**QBEweekend.pdf**."

He then asked me to begin work on the Charles Schwab engagement, which I've also attached: "**Charles Schwab.pdf**."

Now, Raturaj has informed me that he has "bad news" and is pulling me off all assignments. I am unclear on the reasoning behind this sudden change and would appreciate an explanation.

I have been working hard for Mphasis and would like to understand what happened.

Sincerely,

Albert Rojas

Why audit his work—when the VP directed it? After filing a complaint about Raturaj Waghmode, the Mphasis CRO questioned his QBE work, asked his age, then called him a “programmer from the 60s.” He reported it, along with

concerns about being denied a company laptop and flagged IT risks with client-ready solutions

RETALIATOORY ACTIONS

- **Mar 12, 2025 (12:10 PM):** Management responded “Reducing Scope via BCC”
- **Mar 12, 2025 (12:36 PM):** He responded "Please do not limit the scope of this thread—management needs full visibility into how all the moving parts have been functioning."
- **Mar 12, 2025 (12:42 PM):** Management retaliated with a warning: "xxxxxx– this is not appropriate or permitted to be adding these individuals into a CRO investigation without specific direction from the CRO."
- **Mar 12, 2025 (12:58 PM):** He responded "This work was requested by management (Cc list). Had I been provided an Mphasis laptop, this issue wouldn't have occurred in the first place."
- **Mar 12, 2025 (1:19 PM):** Management retaliated "Shannon- I will take this ahead from here.."
- **Mar 12, 2025 (7:01 PM):** His account was locked without explanation.

Mar 14, 2025: He was officially terminated.

- Regarding HR's claim that he was “working outside the USA without authorization,” this is demonstrably false. On **Friday, February 7, 2025, at 11:34 AM**, his management explicitly approved his travel at his own expense, stating:
- *"I don't want you to bear personal expenses for something that could be done remotely. If you are anyways travelling for personal stuff, then that's fine, and we can meet up in London when you are around."*
- This confirms that my travel was both authorized and personally funded.

Conclusion

Let me get this straight, Ruturaj:

You didn't like George's 66-slide deck, so you gave it to the new guy—knowing he had no Mphasis laptop—and told him to fix it over the weekend. You bypassed security, pulled it from SharePoint, and sent it to his personal email.

He trimmed it to 8 pages for QBE. You didn't like that either. Called him a "60s programmer" and dumped another 66-slide Lucid deck on him.

Then security flags *him* for using his Mac—and you, Shannon, Charles and Jitendra fire him?

Did I miss anything?

OUR APPROACH

LEGAL BRIEF

Subject: Whistleblower Retaliation, Compliance Violations, and Age Discrimination — Plaintiff
v. Mphasis Ltd.

I. EXECUTIVE SUMMARY

This matter centers on a senior technologist employed by Mphasis who, while supporting a high-profile initiative for client QBE, raised urgent internal concerns regarding systemic noncompliance, data security lapses, and unauthorized use of proprietary technology. Despite making good-faith disclosures through Mphasis's Office of Ethics and Compliance (OEC) and Whistleblower channels between **November 20–22, 2024**, Plaintiff was retaliated against, denied standard IT resources, and ultimately terminated under questionable circumstances.

The core events can be succinctly summarized by Plaintiff's paraphrased account:

"Let me get this straight, Ruturaj:

You didn't like George's 66-slide deck, so you gave it to the new guy—knowing he had no Mphasis laptop—and told him to fix it over the weekend. You bypassed security, pulled it from SharePoint, and sent it to his personal email.

He trimmed it to 8 pages for QBE. You didn't like that either. Called him a '*60s programmer*' and dumped another 66-slide Lucid deck on him.

Then security flags him for using his Mac—and you, Shannon, Charles and Jitendra fire him?"

This narrative underscores a disturbing sequence of disregard for compliance, ethics, and human capital. The facts establish credible claims under **Sarbanes-Oxley (SOX)**, **Dodd-Frank**, and relevant state and federal whistleblower and labor protection statutes.

II. PLAINTIFF'S BACKGROUND

Plaintiff is an information technology expert with over 30 years of experience, including service within the U.S. Department of Defense Cybersecurity Division. Protecting digital assets and ensuring policy compliance are intrinsic to his professional identity.

He joined Mphasis in October 2024 after being recruited while working independently. Upon assignment to the QBE project, one of Mphasis's largest accounts, Plaintiff was **denied a company-issued laptop**, in violation of standard provisioning policies. This created immediate and ongoing exposure to security and regulatory risks.

III. KEY CONTRIBUTIONS

- **December 2024:** Enhanced document decoding efficiency for QBE by integrating a large language model (LLM) with a linguistic engine, reducing processing time from 35 seconds to under 2 seconds—without compromising accuracy.

IV. WHISTLEBLOWER RETALIATION & COMPLIANCE VIOLATIONS

November 20–22, 2024: Plaintiff formally submitted complaints to Mphasis's OEC and Whistleblower teams, flagging:

- Lack of a corporate-issued laptop, forcing use of personal hardware.
- QBE's non-compliance with its Acceptable Use Policy.
- Disparate treatment and contradictory instructions from management.
- Unapproved use of his proprietary technologies by Mphasis and QBE.

Following his disclosures:

- Plaintiff was pressured into withdrawing his whistleblower complaint.
- He continued to experience escalating hostility from management.
- His access to tools and systems remained restricted, impairing his job performance.
- He was terminated shortly after, under false pretext.

Notable Supporting Communications:

- Internal emails confirming Mphasis refused to issue him a laptop.
- Plaintiff's emails detailing security concerns and IP violations.
- OEC and Whistleblower formal submissions.
- Rejections and dismissive responses from management.
- Screenshots of error messages and policy violations.

V. AGE DISCRIMINATION

Plaintiff, over age 60, became the subject of inappropriate comments and behavior:

- **March 7, 2025:** During a team meeting, Raturaj Waghmode shared images of dinosaurs in apparent reference to Plaintiff's age.
- **March 12, 2025:** The Mphasis Chief Risk Officer (CRO) asked about Plaintiff's age and

referred to him as a “programmer from the 60s.”

Despite raising formal complaints about this behavior, Plaintiff faced a sudden reduction in responsibilities, warnings for procedural adherence, and eventually account lockout and termination.

VI. RETALIATORY ACTIONS & TERMINATION

- **Feb–Mar 2025:** Plaintiff’s work for QBE intensified, including tasks over weekends, despite lack of proper tools.
- **Mar 12, 2025:** Plaintiff pushed back on narrowing the scope of a CRO-led investigation and was immediately reprimanded.
- **Mar 14, 2025:** Plaintiff was terminated without valid cause.
- **Mar 15, 2025:** Mphasis legal counsel initiated a purported investigation, post-termination.

Claims of unauthorized international work were refuted with written managerial approval for Plaintiff’s travel to London and Cannes.

VII. LEGAL IMPLICATIONS

The totality of the evidence supports claims including, but not limited to:

- **Whistleblower Retaliation** (SOX, Dodd-Frank)
- **Constructive Discharge**
- **Wrongful Termination**
- **Age Discrimination** (ADEA, state statutes)
- **Improper Use of Intellectual Property**
- **Violation of Internal Compliance and IT Security Policies**

VIII. CONCLUSION

This is a textbook case of an employer mishandling protected disclosures while penalizing the employee who raised them. Mphasis not only failed to uphold its legal and ethical obligations—it actively created a hostile environment, withheld standard equipment, mocked the Plaintiff’s age, and punished his diligence.

Plaintiff seeks full remedy under applicable statutes for retaliation, discrimination, and damages stemming from Mphasis’s actions and omissions.

Prepared by: Confidential Counsel to Plaintiff **Date:** April 12, 2025

DISCLAIMER: This summary is a factual representation of public filings and protected disclosures made by the Defendant in accordance with rights under 18 U.S.C. § 1833(b), Sarbanes-Oxley, Dodd-Frank, and New York Labor Law § 740. No confidential, sealed, or privileged information has been disclosed beyond what has been publicly filed in the U.S. District Court for the Southern District of New York. This document is provided for transparency and does not constitute legal advice or waiver of any legal rights.

BRAD KELLY PI
MPHASE RETALIATION & AGE
DUAL-USE ENDPOINT
FORGOTTEN QBE LAPTOP
DEFENDANT DOMAIN EXPERT