

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Mphasis Corporation, Plaintiff, Civil Action No. 1:25-cv-03175-JMF

v.

Albert Rojas, Defendant.

DEFENDANT'S MOTION FOR LEAVE TO FILE THIRD-PARTY COMPLAINT
AGAINST QBE INSURANCE GROUP LIMITED

Pursuant to Rule 14(a)(1) of the Federal Rules of Civil Procedure, Defendant Albert Rojas respectfully moves this Court for leave to file a third-party complaint against QBE Insurance Group Limited ("QBE"). In support of this motion, Defendant states as follows:

1. Defendant appears pro se and is currently defending against claims brought by Mphasis Corporation ("Mphasis") in this matter.
2. A core allegation in the pending dispute involves the possession and handling of a company-issued laptop containing regulated infrastructure and protected data.
3. Said device was issued by QBE, not Mphasis. Defendant repeatedly requested proper return instructions starting in December 2024, shortly after the Mphasis engagement ended. However, QBE failed to issue a return shipping label or recovery instructions until May 2025—a delay of over five months.
4. During that period, the device remained physically unsecured, raising material compliance and audit concerns under the GDPR, the California Consumer Privacy Act (CCPA), the New York SHIELD Act, and applicable federal data protection standards.
5. In November 2024, Defendant disclosed to Mphasis leadership that the company had instructed him and others to use a QBE-issued laptop to access Mphasis-controlled environments. That directive—silently enabled by QBE—constitutes a textbook cross-domain breach. It is precisely the kind of architectural failure that enabled the U.S. Congressional IT compromise, when an IBM contractor connected an unapproved laptop to a federal system. That disclosure was part of Defendant's protected whistleblower activity, and he maintains that this litigation is a retaliatory action intended to suppress that very report.
6. Plaintiff Mphasis has alleged misconduct by Defendant arising from data associated with this device, yet QBE's own inaction was a direct and proximate cause of the exposure risk.
7. Defendant has reason to believe that Mphasis's claims are in part a deflection of internal governance failures, and that QBE's negligence substantially contributed to the factual underpinnings of this case.

8. Accordingly, Defendant seeks leave of the Court to file a third-party complaint against QBE for claims including but not limited to negligence, indemnification, and contribution.
9. Joinder will not unduly delay the proceedings and is necessary to ensure complete adjudication of all related rights and liabilities.
10. To ensure transparency, Defendant has copied Plaintiff's counsel on all related correspondence with QBE's legal representatives, given that the allegations and underlying facts materially overlap with the pending litigation.
11. Defendant further places the Court on notice that he appears pro se and must submit all filings through the SDNY Pro Se Intake Unit, which imposes a mandatory delay of 48 to 72 hours before a submission is docketed. In contrast, represented parties may submit filings via ECF with immediate docket visibility. This discrepancy imposes a structural and procedural inequity that impairs Defendant's ability to preserve a contemporaneous record, assert responsive arguments in real time, and protect the integrity of whistleblower evidence. Compounding this disadvantage, the Court has issued directives instructing Defendant to "refrain from duplicative and/or inappropriate submissions" and has sua sponte terminated multiple docketed filings (ECF Nos. 19, 20, 21, 22, 49, 52, 55, 56, 57, and 59) without substantive review. Defendant respectfully submits that this procedural framework—though neutral on its face—functions as a de facto restriction on First Amendment access to the courts and the right to be heard under due process, particularly where time-sensitive disclosures and third-party accountability are at issue. The resulting imbalance risks institutionalizing an evidentiary void and effectively shielding parties whose conduct is central to the controversy.
12. Moreover, QBE's failure to issue laptop return instructions for over five months constitutes prima facie evidence of a broken infrastructure governance process. The unreturned device—containing regulated U.S. citizen data—was used to access multiple environments, a cross-domain architecture that violates basic NIST and zero-trust principles. QBE is a foreign insurer operating onshore in the United States, and its conduct implicates regulatory exposure under GDPR, CCPA, NY SHIELD, and federal cybersecurity frameworks. The Court is now on record with actual and constructive notice of this persistent breach and the systemic process failure it represents. Accordingly, Defendant asserts that QBE's license or ability to process or store U.S. data should be immediately reviewed—and potentially suspended—by appropriate regulatory authorities pending a demonstration of remediation and audit compliance. The five-month delay alone provides compelling evidence that such controls were not in place.

WHEREFORE, Defendant respectfully requests that the Court grant leave to file a third-party complaint against QBE Insurance Group Limited and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Albert Rojas Defendant, Pro Se rojas.albert@gmail.com (646) 866-1669

Dated: May 9, 2025 Cannes, France

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2025, a true and correct copy of the foregoing motion was served via email on counsel of record:

Kimberly R. Karseboom Ogletree Deakins kimberly.karseboom@ogletree.com

Julie Anderson QBE Insurance Group julie.anderson@qbe.com

Albert Rojas



A R <rojas.albert@gmail.com>

Formal Notice – QBE Governance Failure & Regulatory Risk Exposure (SDNY Case No. 1:25-cv-03175-JMF)

A R <rojas.albert@gmail.com>

Fri, May 9, 2025 at 12:28 PM

To: Julie Anderson <Julie.Anderson@qbe.com>

Cc: "Kimberly R. Karseboom" <kimberly.karseboom@ogletree.com>, spencer.johnson@nist.gov

Dear Ms. Anderson,

This message is sent in my personal capacity as a pro se defendant in SDNY Case No. 1:25-cv-03175-JMF and does not reflect or represent the views of NIST.ai or any affiliated organization.

Per tracking, the QBE-issued laptop is expected to arrive by midnight. Attached as Exhibit B is a copy of the FedEx confirmation reflecting that delivery. However, I must again ask: has QBE provided any formal explanation for the five-month delay in initiating recovery of this regulated device, despite my repeated requests since December?

In November 2024, I disclosed to Mphasis that the company had directed me and others to use a QBE-issued laptop to access Mphasis-controlled environments. That directive—silently enabled by QBE—constitutes a cross-domain architecture breach. It mirrors the failure that compromised Congressional IT systems when an IBM contractor connected an unapproved device to a secured network. This disclosure was protected under 18 U.S.C. § 1833(b), and I maintain that the current litigation was triggered to suppress it.

Given your expertise in ERISA, compliance, and internal audit oversight, I trust you understand the seriousness of allowing a device containing protected U.S. infrastructure data to remain physically unaccounted for—particularly one used across enterprise endpoints. This governance lapse now exposes QBE to potential violations under the GDPR, NY SHIELD Act, CCPA, and NIST PR.AC-1/PR.DS-1 controls.

This issue is now a matter of record in the Southern District of New York. My motion to join QBE as a third-party defendant (filed under Rule 14(a)(1)) places the Court on both actual and constructive notice of QBE's systemic infrastructure failures. I assert that QBE's license or legal authority to process or retain U.S. citizen data should be reviewed—and potentially suspended—pending a demonstration of remediation capable of surviving regulatory audit.

Please confirm:

1. Whether QBE has conducted or completed an internal audit or forensic timeline;
2. Whether legal hold instructions have been issued to preserve relevant evidence;
3. Whether QBE has engaged with any governing or regulatory body regarding this matter.

I remain committed to lawful cooperation and transparency, but I must preserve all rights under federal and state whistleblower and compliance frameworks.

Respectfully,
Albert Rojas
Defendant, Pro Se
rojas.albert@gmail.com
(646) 866-1669

cc:
Kimberly R. Karseboom (kimberly.karseboom@ogletree.com)
Spencer Johnson (spencer.johnson@nist.gov)
Pro Se Clerk (courtesy copy)

 Attachment: Exhibit_B_FedEx_Tracking.pdf

 **Exhibit_B_FedEx_Tracking.pdf**
529K

