

1
2
3
4
5
6
7
8
9
10

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PROGRESSIVE DIRECT INSURANCE
CO., *et al.*,

Plaintiff(s),

v.

DANIEL CERON, *et al.*,

Defendant(s).

Case No. 2:16-cv-01265-APG-PAL

**DEFAULT JUDGMENT AGAINST
DEFENDANT PELAEZ**

(ECF No. 33)

11
12
13
14
15

Plaintiffs PROGRESSIVE DIRECT INSURANCE COMPANY and PROGRESSIVE
NORTHERN INSURANCE COMPANY (collectively "Progressive") filed their motion for entry
of default judgment as to Uriel Pelaez. ECF No. 33. I have considered all applicable papers and
pleadings on file, and I find that the factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir.
1986) favor entry of default judgment in favor of Progressive.

16
17

IT IS HEREBY ORDERED that Progressive's application for entry of default judgment
(**ECF No. 33**) is **GRANTED**. I declare that:

18
19

Defendant Uriel Pelaez's policy with Progressive was void *ab initio* as a result of
misrepresentations by Mr. Pelaez at the time of application.

20
21

Progressive is, therefore, not bound by the policy or law to defend or indemnify Mr.
Pelaez under the policy.

22

DATED this 5th day of April, 2017.

23
24



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE