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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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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 MARTIN VARGAS**

(ECF No. 34)

11 Plaintiffs PROGRESSIVE DIRECT INSURANCE COMPANY and PROGRESSIVE  
12 NORTHERN INSURANCE COMPANY (collectively "Progressive") filed their motion for entry  
13 of default judgment as to Martin Vargas. ECF No. 34. I have considered all applicable papers  
14 and pleadings on file, and I find that the factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9<sup>th</sup>  
15 Cir. 1986) favor entry of default judgment in favor of Progressive.

16 IT IS HEREBY ORDERED that Progressive's application for entry of default judgment  
17 **(ECF No. 34) is GRANTED.** I declare that:

18 Defendant Martin Vargas' policy with Progressive was void *ab initio* as a result of  
19 misrepresentations by Mr. Vargas at the time of application.

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

22 DATED this 5th day of April, 2017.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE