

1 and inadvertent as to be inconsistent with a theory of waiver.” *United States v. Zolin*, 809 F.2d
2 1141, 1415, 1417 (9th Cir. 1987). Although the Washington Courts have not addressed the
3 question of whether the attorney-client privilege is waived by an inadvertent disclosure of the
4 privileged information, the board is persuaded that Ecology intended to redact and not disclose
5 certain privileged information and as a result Appellants should not be allowed to benefit from
6 this error.

7 For the reasons stated above, Ecology’s Motion to Strike is granted and the Appellants
8 are ordered to return the attorney-client privileged document to Ecology and refrain from using
9 the information. Ecology shall inform the board where in the current submittals reference exists
10 to this document so that all references to the information can be stricken from the record.

11 ORDER

12 Ecology’s motion to strike is granted.

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14 SO ORDERED this 10th day of October, 2001.

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16 POLLUTION CONTROL HEARING S BOARD

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20 KALEEN COTTINGHAM, Presiding