

**Audra Soulias v. William Kennedy Smith, M.D.**

Civil Complaint for Sexual Assault

A former personal assistant to William Kennedy Smith files a civil lawsuit in Chicago seeking financial damages, alleging that he sexually assaulted her.

August 24, 2004

Soulias Complaint  
Attorney Number: 33537

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT-LAW DIVISION**

AUDRA SOULIAS,

Plaintiff,

v.

WILLIAM KENNEDY SMITH, M.D.,

Defendant.

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COMPLAINT AT LAW

**JURY DEMAND**

NOW COMES the plaintiff, AUDRA SOULIAS, by her attorneys, THE LAW OFFICES OF KEVIN E. O'REILLY, and complaining of the defendant, WILLIAM KENNEDY SMITH, M.D., alleges as follows:

1. That on January 9, 2004, and at all times relevant to this complaint the defendant, WILLIAM KENNEDY SMITH, M.D., was a resident of the City of Chicago, the County of Cook, State of Illinois.
2. From October of 1997 to June of 1999, the plaintiff, AUDRA SOULIAS, was employed by the Physician's Against Land Mines (PALM) which later became known as the Center for International Rehabilitation (CIR) as the personal assistant to the defendant.
3. At all times relevant to this complaint the defendant was the President of PALM and CIR and the Chairman of the Executive Board of Directors.

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4. On January 15, 1999, the plaintiff and two co-workers, Laura Hamilton and Erin Kuhn, and Erin's boyfriend, Pete, went out to dinner to celebrate the plaintiff's birthday. The defendant, who was not invited to the birthday dinner, arrived regardless.

5. At the dinner, the defendant encouraged the plaintiff and the others to consume excessive amounts of alcohol which he purchased.

6. After dinner, the plaintiff and the two co-workers, Laura Hamilton and Erin Kuhn, and Erin's boyfriend, Pete, said goodnight to the defendant and left the restaurant in an attempt to go to a bar without the defendant, however, he jumped in their cab as they were leaving without an invitation to do so.

7. At the bar, the defendant continued purchasing numerous drinks for the plaintiff and the two co-workers, Laura Hamilton and Erin Kuhn, and Erin's boyfriend, Pete.

8. At approximately 11:30 p.m. the two co-workers, Laura Hamilton and Erin Kuhn, and Erin's boyfriend, Pete, decided to leave the bar for home at which time the defendant insisted that the plaintiff remain at the bar with him.

9. From 11:30 p.m. until approximately 2:00 a.m., the defendant continued purchasing numerous drinks for the plaintiff causing her intoxication.

10. At approximately 2:00 a.m. on January 16, 1999, when the bar closed the plaintiff attempted to get a cab at which time the defendant demanded that they share a cab despite the fact they lived in opposite directions. He instructed the driver to go to his home address on Oakdale Avenue in Chicago, Illinois.

11. Upon arriving at the defendant's home, the plaintiff asked the cab driver to go to her home address at which the defendant opened the cab door, grabbed her by the

arm and physically pulled her out of the cab and told her "you cannot go home this way." He then proceeded to grab her by her left arm with his left arm and with his right arm behind her forcefully directed her into his residence and up into his second floor bedroom during which time the plaintiff repeatedly stated "I want to go home. I need to go home." The defendant replied "you need to stay here your parents can't see you like this."

12. Upon arriving in the bedroom, the defendant forcefully pushed the plaintiff onto the bed with her backside down and held her down on the so that she was unable to breath or move. Despite the plaintiff's cries and pleas to stop, the defendant proceeded to forcefully remove her clothes and insert his fingers into the plaintiff's vagina several times against her will and despite her constant pleas to stop.

13. After the defendant finished he went to the bathroom. At that time the plaintiff attempted to leave the residence at which time the defendant forcefully grabbed her and pulled her back into the bedroom. The plaintiff was finally able to escape the residence once the defendant fell asleep.

14. Later that morning between approximately 7:00 a.m. and 8:00 a.m., the plaintiff received four separate voicemail messages from the defendant apologizing for his behavior and stating "it was not your fault," "I have a problem," "I will get help if you want me too." He further stated that the plaintiff would experience various stages of grief as a result of the assault and that she could contact him for help.

15. Later the same morning the plaintiff met with Laura Hamilton and told her that she was raped by the defendant and showed Ms. Hamilton the bruising on her back and arms that were inflicted by the defendant and played her the messages left by the defendant that morning. Ms. Hamilton told her that the defendant had previously

sexually harassed her on numerous occasions. Ms. Hamilton advised that the defendant was threatening and intimidating her. They both agreed that the defendant would use his wealth and connections to succeed in escaping legal responsibility and she would be discredited and further victimized.

16. On January 18, 1999 the plaintiff met with Erin Kuhn and told her that she had been raped by the defendant and also played the voicemail messages left by the defendant for her to hear. Ms. Kuhn also expressed concern that the defendant would use his wealth and connections to succeed in escaping legal responsibility and she would be discredited and further victimized.

17. In September of 2003, Laura Hamilton, further advised the plaintiff that the defendant had subjected the Ms. Hamilton to repeated instances of sexual harassment. She further apologized for not urging the plaintiff to proceed with charges against the defendant when she heard of the assault in January of 1999.

18. In October of 2003, an employee of CIR, Sarah Hughes, filed a Charge of Sexual Harassment against CIR and the defendant with the Equal Employment Opportunity Commission (EEOC) for repeated unwanted sexual advances by the defendant.

19. On November 25, 2003, Laura Hamilton filed a Charge of Discrimination with the EEOC for severe and pervasive sexual harassment which Ms. Hamilton had to endure during her employment

20. On January 7, 2004 Laura Hamilton contacted the plaintiff to inform her that CIR had formed a committee composed of three CIR Board members for the purpose of conducting an independent investigation of the CIR of the sexual harassment claims

brought by the aforementioned employees. She further advised that Judith Gold, a partner at Wildman, Harrold, Allen & Dixon, LLP, was retained by the Board to conduct the investigation.

21. On January 8, 2004, the plaintiff contacted Ms. Gold and advised her that she had worked for the defendant as his personal assistant during the period of October 1997 to June 1999 and that she had information that she thought was important to Ms. Gold's investigation. The plaintiff then detailed the aforementioned facts regarding the rape that occurred on January 16, 1999 and further related that she had been given a polygraph test that was arranged by an investigator by the name of Paul Ciolino. She also advised Ms. Gold of the messages left by the defendant and expressed concern that the defendant would assault other female employees unless CIR intervened. The plaintiff offered to provide Ms. Gold with the results of the polygraph test and her sworn statement describing the sexual assault. Ms. Gold told her that she was only investigating the defendant's sexual harassment of other female employees, and refused to accept the statement and polygraph results.

22. On January 9, 2004, after not having spoke with the defendant for approximately three and one half years, the defendant left two voice messages on the plaintiff's voicemail stating in a threatening manner that he had received some "disturbing news" about statements she had made about him to Ms. Gold and he insisted that the plaintiff contact him immediately.

23. On January 9, 2004, the extreme and outrageous acts of the defendant were orchestrated with the intent of intimidating and causing the plaintiff severe emotional distress, physical distress and mental anguish, or that there was a high

probability that his acts would intimidate and cause the plaintiff severe emotional distress, physical distress and mental anguish;

24. On January 9, 2004, when leaving said telephone messages, the defendant knew or should have known that due to the sexual assault previously described in the aforementioned facts, the plaintiff would suffer or was particularly susceptible to severe mental, physical and emotional distress caused by his behavior.

25. On January 9, 2004, when leaving said telephone messages, the defendant knew or should have known that due to the defendant's recent discovery of her report to Ms. Gold of the sexual assault previously described in the aforementioned facts, the plaintiff would suffer or was particularly susceptible to severe mental, physical and emotional distress caused by his behavior.

26. On January 9, 2004, immediately after receiving said messages, the plaintiff became very scared and threatened, was physically sick and nauseas, was unable to sleep, and was emotionally distraught. Furthermore, she felt shame and embarrassment. The aforementioned mental and physical conditions continued in the days and months following the phone calls and exist to date.

27. As a direct and proximate result of the acts of the defendant, as set forth herein, the plaintiff, sustained injuries of a personal, pecuniary, and permanent nature and was injured, both physically and mentally, and has suffered and will in the future suffer great physical and emotional pain and discomfort, and physical and emotional impairment and disability, all of which injuries are permanent; and the plaintiff has been and will be prevented from attending to her ordinary affairs and duties, has lost income

and other pecuniary gains, has suffered a permanently impaired earning capacity, and has become liable for certain sums of money for medical care and attention.

WHEREFORE, the Plaintiff, AUDRA SOULIAS, demands judgment against the defendant, WILLIAM KENNEDY SMITH, M.D., for full, fair, and adequate compensatory damages, punitive damages, and all other damages to the full extent allowed by the law and in an amount in excess of \$50,000.00, plus the costs of said suit.

  
Kevin E. O'Reilly  
Attorney for the plaintiff

**CERTIFICATE OF DAMAGES PURSUANT TO SUPREME COURT RULE 222**

Under the penalties as provided by law pursuant to 735 ILCS 5/1-109, I, Kevin E. O'Reilly, state that I am the attorney for the plaintiff, AUDRA SOULIAS, in the above entitled cause of action seeking money damages, and state that this cause of action exceeds FIFTY THOUSAND DOLLARS (\$50,000.00)

  
Kevin E. O'Reilly

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