

DAVITA INC  
Form 4  
November 12, 2008

**FORM 4** UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
THIRY KENT J

(Last) (First) (Middle)  
601 HAWAII STREET  
(Street)

EL SEGUNDO, CA 90245

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol  
DAVITA INC [DVA]

3. Date of Earliest Transaction  
(Month/Day/Year)  
11/10/2008

4. If Amendment, Date Original Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

Director  10% Owner  
 Officer (give title below)  Other (specify below)  
Chairman & Chief Exec. Officer

6. Individual or Joint/Group Filing(Check Applicable Line)  
 Form filed by One Reporting Person  
 Form filed by More than One Reporting Person

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
|                                 |                                      |  | Code                           | V   | Amount  | (A) or (D)   | Price   |
| Common Stock                    | 11/10/2008                           |  | M                              |   | 80,000  | A  | \$ 4  |
| Common Stock                    | 11/10/2008                           |  | S                              |   | 80,000  | D  | \$ 53.1828<br>(1)                                     |
| Common Stock                    | 11/10/2008                           |  | M                              |   | 137,300   | A  | \$ 30.0667  |
| Common Stock                    | 11/10/2008                           |  | S                              |   | 137,300   | D  | \$ 53.0685<br>(2)                                     |
|                                 |                                      |  |                                |   |   |  | 22,743  |
|                                 |                                      |  |                                |   |   | I  | By Trust  |

Common  
Stock

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

SEC 1474  
(9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) |              |                         |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|--------------|-------------------------|
|  |  |                                      |  | Code                           | V (A) (D)   | Date Exercisable   | Expiration Date   | Title        | Amount Number of Shares |
| Stock Options (Right to Buy)               | \$ 4   | 11/10/2008                           |  | M                              | 80,000  | 10/18/2000 <sup>(3)</sup>                                | 10/18/2009  | Common Stock | 80,000                  |
| Stock Options (Right to Buy)               | \$ 30.0667   | 11/10/2008                           |  | M                              | 137,300   | 03/24/2005 <sup>(4)</sup>                                | 03/24/2009  | Common Stock | 137,300                 |

## Reporting Owners

| Reporting Owner Name / Address                            | Relationships |           |                                |       |
|---|---------------|-----------|--------------------------------|-------|
|   | Director      | 10% Owner | Officer                        | Other |
| THIRY KENT J<br>601 HAWAII STREET<br>EL SEGUNDO, CA 90245 | X             |           | Chairman & Chief Exec. Officer |       |

## Signatures

/s/ Corinna B. Polk  
Attorney-in-Fact

11/12/2008

\*\*Signature of Reporting Person

Date

## Explanation of Responses:

\* If the form is filed by more than one reporting person, see Instruction 4(b)(v).

\*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

(1)

## Edgar Filing: DAVITA INC - Form 4

The range of prices for the sale of these shares was \$53.14 - \$53.30. The filer undertakes to provide staff, the issuer, or a security holder full information regarding the number of shares sold at each separate price.

- (2) The range of prices for the sale of these shares was \$53.00 - \$53.14. The filer undertakes to provide staff, the issuer, or a security holder full information regarding the number of shares sold at each separate price.
- (3) Non-qualified stock options, pursuant to the 1997 Equity Compensation Plan, which vested 187,500 shares on each of 10/18/00, 1/23/01, 10/18/01, and 10/18/02.
- (4) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vested 112,500 shares on each of 3/24/05, 3/24/06, 3/24/07, and 3/24/08.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

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