

DAVITA INC
Form 4
November 12, 2008

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

OMB APPROVAL

OMB Number: 3235-0287
Expires: January 31, 2005
Estimated average burden hours per response... 0.5

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	208,680	D	
Common Stock	11/10/2008		S		80,000	D	\$ 53.1828	128,680	D	
Common Stock	11/10/2008		M		137,300	A	\$ 30.0667	265,980	D	
Common Stock	11/10/2008		S		137,300	D	\$ 53.0685	128,680	D	
								22,743	I	By Trust

Common
Stock

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

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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 ⁽³⁾	10/18/2009	Common Stock	80,000
Stock Options (Right to Buy)	\$ 30.0667	11/10/2008		M	137,300	03/24/2005 ⁽⁴⁾	03/24/2009	Common Stock	137,300

Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
THIRY KENT J 601 HAWAII STREET 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)

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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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