

DAVITA INC
Form 4
December 07, 2007

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

OMB APPROVAL

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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)
12/05/2007

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 | 12/05/2007 | | M | | 112,700 | A | \$ 30.0667 |
| Common Stock | 12/05/2007 | | S | | 500 | D | \$ 60.48 |
| Common Stock | 12/05/2007 | | S | | 600 | D | \$ 60.47 |
| Common Stock | 12/05/2007 | | S | | 300 | D | \$ 60.46 |
| Common Stock | 12/05/2007 | | S | | 500 | D | \$ 60.45 |

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| | | | | | | | |
|--------------|------------|---|--------|---|------------|---------|---|
| Common Stock | 12/05/2007 | S | 800 | D | \$ 60.4 | 283,822 | D |
| Common Stock | 12/05/2007 | S | 1,900 | D | \$ 60.09 | 281,922 | D |
| Common Stock | 12/05/2007 | S | 35,800 | D | \$ 60.05 | 246,122 | D |
| Common Stock | 12/05/2007 | S | 72,300 | D | \$ 60 | 173,822 | D |
| Common Stock | 12/05/2007 | M | 30,000 | A | \$ 30.0667 | 203,822 | D |
| Common Stock | 12/05/2007 | S | 500 | D | \$ 60.41 | 203,322 | D |
| Common Stock | 12/05/2007 | S | 400 | D | \$ 60.25 | 202,922 | D |
| Common Stock | 12/05/2007 | S | 100 | D | \$ 60.18 | 202,822 | D |
| Common Stock | 12/05/2007 | S | 300 | D | \$ 60.17 | 202,522 | D |
| Common Stock | 12/05/2007 | S | 200 | D | \$ 60.16 | 202,322 | D |
| Common Stock | 12/05/2007 | S | 1,700 | D | \$ 60.15 | 200,622 | D |
| Common Stock | 12/05/2007 | S | 200 | D | \$ 60.12 | 200,422 | D |
| Common Stock | 12/05/2007 | S | 300 | D | \$ 60.11 | 200,122 | D |
| Common Stock | 12/05/2007 | S | 400 | D | \$ 60.1 | 199,722 | D |
| Common Stock | 12/05/2007 | S | 800 | D | \$ 60.08 | 198,922 | D |
| Common Stock | 12/05/2007 | S | 2,900 | D | \$ 60.07 | 196,022 | D |
| Common Stock | 12/05/2007 | S | 2,600 | D | \$ 60.06 | 193,422 | D |
| Common Stock | 12/05/2007 | S | 2,800 | D | \$ 60.04 | 190,622 | D |
| Common Stock | 12/05/2007 | S | 5,100 | D | \$ 60.03 | 185,522 | D |
| Common Stock | 12/05/2007 | S | 5,000 | D | \$ 60.02 | 180,522 | D |
| | 12/05/2007 | S | 6,700 | D | \$ 60.01 | 173,822 | D |

Common
Stock

Common
Stock 22,743 I By Trust

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

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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 Security (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|
| | | | | Code | V (A) (D) | Date Exercisable Expiration Date | Title Amount Number Shares |
| Stock Options (Right to Buy) | \$ 30.0667 | 12/05/2007 | | M | 112,700 | 03/24/2005 ⁽¹⁾ 03/24/2009 | Common Stock 112,700 |
| Stock Options (Right to Buy) | \$ 30.0667 | 12/05/2007 | | M | 30,000 | 12/31/2004 ⁽²⁾ 03/24/2009 | Common Stock 30,000 |

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 12/06/2007

**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) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vest 25% on the first four anniversaries of the grant date.
- (2) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vest 30,000 on 12/31/04, and 120,000 on 2/22/09.

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