

HILGER JAMES K  
Form 4  
November 12, 2009

**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 \*  
**HILGER JAMES K**

(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)  
**11/10/2009**

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)  
**Vice President and Controller**

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 Ownership (Instr. 4)
			Code	V Amount (A) or (D) Price			
Common Stock	11/10/2009		M	5,000 A \$ 46	5,000	D	
Common Stock	11/10/2009		S	5,000 D \$ 58.85	0	D	
Common Stock	11/11/2009		M	4,000 A \$ 49.7	4,000	D	
Common Stock	11/11/2009		F	3,385 D \$ 58.74	615	D	
Common Stock	11/11/2009		M	3,333 A \$ 50.37	3,948	D	

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Common Stock	11/11/2009	F	2,859	D	\$ 58.74	1,089	D
Common Stock	11/11/2009	S	339	D	\$ 58.91	750	D

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

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(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 Security (Instr. 3 and 4)
Stock Option (Right to buy)	\$ 46	11/10/2009		M	5,000	Date Exercisable: 09/22/2006 <sup>(1)</sup> Expiration Date: 09/22/2010	Common Stock 5,000
Stock Appreciation Right	\$ 49.7	11/11/2009		M	4,000	Date Exercisable: 07/01/2007 <sup>(2)</sup> Expiration Date: 07/01/2011	Common Stock 4,000
Stock Appreciation Right	\$ 50.37	11/11/2009		M	3,333	Date Exercisable: 02/28/2009 <sup>(3)</sup> Expiration Date: 02/28/2013	Common Stock 3,333

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
HILGER JAMES K 601 HAWAII STREET EL SEGUNDO, CA 90245			Vice President and Controller	

## Signatures

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

11/12/2009

\_\_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 vests 25% on the first anniversary of the grant date, 8.33% on the 20th month following the grant date and 8.33% every four months thereafter.
- (2) Stock Appreciation Right, pursuant to the 2002 Equity Compensation Plan which vests 25% on the first anniversary of the grant date, 8.33% on the 20th month following the grant date and 8.33% every four months thereafter.
- (3) Stock Appreciation Right, pursuant to the 2002 Equity Compensation Plan which vests 25% on the first anniversary of the grant date, 8.33% on the 20th month following the grant date and 8.33% every four months thereafter.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.