

HILGER JAMES K

Form 4

November 12, 2009

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

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

OMB APPROVAL

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(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
____X____ Officer (give title below) ____ Other (specify below)

Vice President and Controller

6. Individual or Joint/Group Filing(Check
Applicable Line)
____X____ 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)			
				Code	V	(A)	(D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares
Stock Option (Right to buy)	\$ 46	11/10/2009		M		5,000		09/22/2006 ⁽¹⁾	09/22/2010	Common Stock	5,000
Stock Appreciation Right	\$ 49.7	11/11/2009		M		4,000		07/01/2007 ⁽²⁾	07/01/2011	Common Stock	4,000
Stock Appreciation Right	\$ 50.37	11/11/2009		M		3,333		02/28/2009 ⁽³⁾	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.

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