

HILGER JAMES K  
Form 4  
March 03, 2010

**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**

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

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

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

3. Date of Earliest Transaction (Month/Day/Year)  
**03/01/2010**

\_\_\_\_ Director  
 Officer (give title below)  
\_\_\_\_ 10% Owner  
\_\_\_\_ Other (specify below)  
**Vice President and Controller**

**EL SEGUNDO, CA 90245**

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

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

(City) (State) (Zip)

**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	03/01/2010		M		2,500	A	\$ 46
					3,250		
Common Stock	03/01/2010		S		2,500	D	\$ 62.298
					750		
Common Stock	03/01/2010		M		5,000	A	\$ 50.64
					5,750		
Common Stock	03/01/2010		S		5,000	D	\$ 62.298
					750		
Common Stock	03/01/2010		M		5,000	A	\$ 55.16
					5,750		

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Common Stock	03/01/2010		S	5,000	D	\$ 62.3078	750	D
						<u>(1)</u>		

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 Securities (Instr. 3 and 4)	Amount or Number of Shares
Stock Options (Right to Buy)	\$ 46	03/01/2010		M	2,500	09/22/2006 <sup>(2)</sup> 09/22/2010	Common Stock	2,500
Stock Options (Right to Buy)	\$ 50.64	03/01/2010		M	5,000	12/30/2007 <sup>(3)</sup> 12/30/2010	Common Stock	5,000
Stock Options (Right to Buy)	\$ 55.16	03/01/2010		M	5,000	04/17/2007 <sup>(2)</sup> 04/17/2011	Common Stock	5,000

## Reporting Owners

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

## Signatures

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

03/03/2010

\_\_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) The range of prices for the sale of these shares was \$62.30 - \$62.308. 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) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vested 25% on the first anniversary of the grant date, 8.33% on the 20th month following the grant date, and 8.33% every 4 months thereafter.
- (3) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vested 50% on the 2nd anniversary of the grant date, 25% on the third anniversary of the grant date, and 25% on the 4th anniversary of the grant date.

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.