**Kogod Dennis** Form 4 February 23, 2011

## FORM 4

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

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

**SECURITIES** 

OMB Number:

3235-0287

Expires:

January 31, 2005

0.5

Estimated average burden hours per

response...

**OMB APPROVAL** 

Section 16. Form 4 or Form 5 obligations may continue. See Instruction

Check this box

if no longer

subject to

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

1(b).

(Print or Type Responses)

| 1. Name and<br>Kogod Der | Symbol                                  | 2. Issuer Name and Ticker or Trading Symbol DAVITA INC [DVA] |                                |  | 5. Relationship of Reporting Person(s) to Issuer |   |                |                    |  |
|--------------------------|---|--|--------------------------------|--|--|---|----------------|--------------------|--|
| (Last)                   | (First) (                               | Middle) 3. Date  | of Earliest                    | Transaction  |  | (Check a                                  | ll applicable  | )                  |  |
| 1551 WEW                 | (Month                                  | (Month/Day/Year)<br>02/18/2011                               |                                |  | · ·  | le Othe<br>below)<br>erating Office       | er (specify    |                    |  |
| (Street)                 |   | 4. If An   | 4. If Amendment, Date Original |  |  | 6. Individual or Joint/Group Filing(Check |                |                    |  |
|                          |   | Filed(M  | onth/Day/Y                     | ear)   |  | filed by One                              | Reporting Per  |                    |  |
| DENVER,                  | CO 80202                                |  |                                |  | Form fi Person                                   | iled by More                              | e than One Rep | porting            |  |
| (City)                   | (State)                                 | (Zip) Ta   | ble I - Non                    | a-Derivative Securities Acq  | uired, Disp                                      | osed of, o                                | r Beneficiall  | y Owned            |  |
| 1.Title of Security      | 2. Transaction Date<br>(Month/Day/Year) | 2A. Deemed<br>Execution Date, if                             | 3. Transact                    | 4. Securities Acquired (A iomr Disposed of (D) (Instr. 3, 4 and 5) | Securit  | ies                                       | 6. Ownership   | 7. Natu<br>Indirec |  |

| (City)                               | (State)                                 | (Zip) Tab   | ole I - Non-                           | Derivative                               | Secui   | rities Acqui | red, Disposed of,  | or Beneficiall   | y Owned   |
|--------------------------------------|---|---|--|--|---------|--------------|--|--|---|
| 1.Title of<br>Security<br>(Instr. 3) | 2. Transaction Date<br>(Month/Day/Year) | 2A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 3.<br>Transactic<br>Code<br>(Instr. 8) | 4. Securit<br>bor Dispos<br>(Instr. 3, 4 | ed of ( |              | 5. Amount of<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported<br>Transaction(s)<br>(Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of<br>Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |
| Common<br>Stock                      | 02/18/2011                              |   | M                                      | 35,000                                   | A       | \$ 56.38     | 72,500   | D  |   |
| Common<br>Stock                      | 02/18/2011                              |   | F                                      | 24,654                                   | D       | \$ 80.04     | 47,846   | D  |   |
| Common<br>Stock                      | 02/18/2011                              |   | S                                      | 10,346                                   | D       | \$ 79.5      | 37,500   | D  |   |
| Common<br>Stock                      | 02/18/2011                              |   | M                                      | 41,666                                   | A       | \$ 52.12     | 79,166   | D  |   |
| Common<br>Stock                      | 02/18/2011                              |   | F                                      | 27,132                                   | D       | \$ 80.04     | 52,034   | D  |   |

Edgar Filing: Kogod Dennis - Form 4

| Common<br>Stock | 02/18/2011 | S | 14,534 | D | \$ 79.5              | 37,500  | D |
|-----------------|------------|---|--------|---|----------------------|---------|---|
| Common<br>Stock | 02/18/2011 | M | 62,500 | A | \$ 52.12             | 100,000 | D |
| Common<br>Stock | 02/18/2011 | F | 40,699 | D | \$ 80.04             | 59,301  | D |
| Common<br>Stock | 02/18/2011 | S | 21,801 | D | \$ 79.5554 (1)       | 37,500  | D |
| Common<br>Stock | 02/18/2011 | M | 8,955  | A | \$ 50.37             | 46,455  | D |
| Common<br>Stock | 02/18/2011 | F | 5,636  | D | \$ 80.04             | 40,819  | D |
| Common<br>Stock | 02/18/2011 | S | 3,319  | D | \$<br>79.6669<br>(2) | 37,500  | D |

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

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

(9-02)

SEC 1474

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of<br>Derivative<br>Security<br>(Instr. 3) | 2.<br>Conversion<br>or Exercise<br>Price of<br>Derivative<br>Security | 3. Transaction Date<br>(Month/Day/Year) | 3A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 4.<br>Transaction<br>Code<br>(Instr. 8) | 5. Number of onDerivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | 6. Date Exercisable and Expiration Date (Month/Day/Year) |                    | 7. Title and Ame<br>Underlying Sect<br>(Instr. 3 and 4) |                      |
|---|---|---|---|---|---|--|--------------------|---|----------------------|
|   |   |   |   | Code V                                  | (A) (D)   | Date Exercisable   | Expiration<br>Date | Title   | Ar<br>or<br>Nu<br>of |
| Stock<br>Appreciation<br>Right                      | \$ 56.38  | 02/18/2011                              |   | M                                       | 35,000  | 10/11/2007(3)  | 10/11/2011         | Common<br>Stock   | 3:                   |
| Stock<br>Appreciation<br>Right                      | \$ 52.12  | 02/18/2011                              |   | M                                       | 41,666  | 03/24/2008(3)  | 03/14/2012         | Common<br>Stock   | 4                    |
| Stock<br>Appreciation<br>Right                      | \$ 52.12  | 02/18/2011                              |   | M                                       | 62,500  | 03/14/2010(4)  | 03/14/2012         | Common<br>Stock   | 62                   |

Stock

Appreciation \$50.37 02/18/2011 M 8,955 02/28/2009(3) 02/28/2013

Right

Common Stock

## **Reporting Owners**

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

**Kogod Dennis** 

1551 WEWATTA ST. Chief Operating Officer

**Signatures** 

DENVER, CO 80202

/s/ James K. Hilger Attorney-in-Fact 02/23/2011

\*\*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 \$79.50 \$79.65. 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 \$79.65 \$79.69. 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) Stock Appreciation Right, pursuant to the 2002 Equity Compensation Plan, which vest 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.
- (4) Stock Appreciation Right, pursuant to the 2002 Equity Compensation Plan, which vest 50% on the third anniversary of the grant date, 12.5% on the 45th month following the grant date, and 12.5% every three 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.

Reporting Owners 3