

DAVITA INC  
Form 4  
December 07, 2004

**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 \*  
**BEIL GARY**

(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)  
**12/03/2004**

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 Indirect Beneficial Ownership (Instr. 4) |   |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|---|
|                                 |                                      |  | Code                           | V   | Amount  | (D)  | Price   |   |
| Common Stock                    | 12/03/2004                           |  | M <sup>(1)</sup>               |   | 6,000   | A  | \$ 1.7917 20,775                                      | D |
| Common Stock                    | 12/03/2004                           |  | S <sup>(2)</sup>               |   | 6,000   | D  | \$ 33.675 14,775                                      | D |
| Common Stock                    | 12/06/2004                           |  | M <sup>(1)</sup>               |   | 6,000   | A  | \$ 1.7917 20,775                                      | D |
| Common Stock                    | 12/06/2004                           |  | S <sup>(2)</sup>               |   | 6,000   | D  | \$ 35.6091 14,775                                     | D |

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 Securities (Instr. 3 and 4) | 8. Amount or Number of Shares |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|-------------------------------|
| Stock Options (Right to Buy)               | \$ 1.7917  | 12/03/2004                           |  | M <sup>(3)</sup>               | 6,000   | 06/27/2000 03/29/2005                                    | Common Stock  | 6,000                         |
| Stock Options (Right to Buy)               | \$ 1.7917  | 12/06/2004                           |  | M <sup>(3)</sup>               | 6,000   | 06/27/2000 03/29/2005                                    | Common Stock  | 6,000                         |

## Reporting Owners

| Reporting Owner Name / Address                         | Relationships |           |                               |       |
|--|---------------|-----------|-------------------------------|-------|
|  | Director      | 10% Owner | Officer                       | Other |
| BEIL GARY<br>601 HAWAII STREET<br>EL SEGUNDO, CA 90245 |               |           | Vice President and Controller |       |

## Signatures

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

12/07/2004

\*\*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 acquisition of these shares was completed in accordance with a Rule 10b5-1 Sales Plan.
- (2) The sale of these shares was completed in accordance with a Rule 10b5-1 Sales Plan.

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(3) The exercise of these options was completed in accordance with a Rule 10b5-1 Sales Plan.

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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