

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

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)
11/10/2009

____ Director _____ 10% Owner
 Officer (give title below) _____ 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) | (A) or (D) | 5. Amount or Price | 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) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|------------|--------------------|---|--|-----------------------------------|
| 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 ⁽¹⁾ 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 ⁽²⁾ 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 ⁽³⁾ 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.