THIRY KENT J
Form 4
November 10, 2009

# FORM 4

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

OMB APPROVAL

| | |
|---|---|
| OMB Number: | 3235-0287 |
| Expires: | January 31, 2005 |
| Estimated average burden hours per response... | 0.5 |

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 *
THIRY KENT J

(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)
11/06/2009

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

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

__X__ Director _____ 10% Owner
__X__ Officer (give title below) _____ Other (specify below)
Chairman & Chief Exec. Officer

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 Indirect Beneficial Ownership (Instr. 4) |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Code | V | Amount | (A) or (D) | Price | | | |
| Common Stock | 12/21/2005 | | G | | 5,722 | D | $ 50.935 | 17,021 | I | By Trust |
| Common Stock | 12/30/2005 | | G | | 3,850 | D | $ 50.515 | 13,171 | I | By Trust |
| Common Stock | 11/06/2009 | | M | | 300,000 | A | $ 46 | 431,657 | D | |
| Common Stock | 11/06/2009 | | S | | 300,000 | D | $ 57.7879 (1) | 131,657 | D | |
| Common Stock | 11/09/2009 | | M | | 300,000 | A | $ 46 | 431,657 | D | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Common Stock | 11/09/2009 | | S | 300,000 | D | $ 58.0945 (2) | 131,657 | 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.**

SEC 1474 (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 Underlying Securitie (Instr. 3 and 4) | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Code | V | (A) | (D) | Date Exercisable | Expiration Date | Title | Amou Numb Shares |
| Stock Option (Right to buy) | $ 46 | 11/06/2009 | | M | | | 300,000 | 03/30/2007(3) | 09/22/2010 | Common Stock | 300,0 |
| Stock Option (Right to buy) | $ 46 | 11/09/2009 | | M | | | 300,000 | 03/30/2007(3) | 09/22/2010 | Common Stock | 300,0 |

# Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---|---|---|---|
| | Director | 10% Owner | Officer | Other |
| THIRY KENT J<br>601 HAWAII STREET<br>EL SEGUNDO, CA 90245 | X | | Chairman & Chief Exec. Officer | |

# Signatures

| | |
|---|---|
| /s/ Corinna B. Polk<br>Attorney-in-Fact | 11/10/2009 |
| **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)** | The range of prices for the sale of these shares was $57.63 to $58.13. 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 $58.05 to $58.47. 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)** | Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vested 50% on 3/30/07 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.