

HILGER JAMES K  
Form 4  
December 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

(Last) (First) (Middle)  
C/O DAVITA INC., 1551  
WEWATTA ST.  
(Street)

DENVER, CO 80202

(City) (State) (Zip)

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

3. Date of Earliest Transaction  
(Month/Day/Year)  
12/01/2010

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

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

\_\_\_ Director \_\_\_ 10% Owner  
\_X\_ Officer (give title below) \_\_\_ Other (specify below)  
Chief Accounting 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 Ownership (Instr. 4)
				(A) or (D)	Price		
Common Stock	12/01/2010		M	3,000 A	\$ 52.12	9,500	D
Common Stock	12/01/2010		F	2,151 D	\$ 72.7	7,349	D
Common Stock	12/01/2010		S <sup>(1)</sup>	849 D	\$ 74.31	6,500	D
Common Stock	12/01/2010		M	2,000 A	\$ 52.12	8,500	D
Common Stock	12/01/2010		F	1,434 D	\$ 72.7	7,066	D

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Common Stock	12/01/2010		<u>S</u> <sup>(1)</sup>	566	D	\$ 74.287	6,500	D
						<u>(2)</u>		

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 Security (Instr. 3 and 4)
Stock Appreciation Right	\$ 52.12	12/01/2010		M	3,000	03/14/2008 <sup>(3)</sup> 03/14/2012	Common Stock 3,000
Stock Appreciation Right	\$ 52.12	12/01/2010		M	2,000	03/14/2010 <sup>(4)</sup> 03/14/2012	Common Stock 2,000

## Reporting Owners

Reporting Owner Name / Address	Relationships
HILGER JAMES K C/O DAVITA INC. 1551 WEWATTA ST. DENVER, CO 80202	Director 10% Owner Officer Other  Chief Accounting Officer

## Signatures

/s/ James K. Hilger 12/03/2010

\*\*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 shares reported on this Form 4 were effected pursuant to a 10B5-1 trading plan adopted by the reporting person on June 18, 2010.
- (2) The range of prices for the sale of these shares was \$74.31 - \$74.26. 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 Rights, 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 4 months thereafter until fully vested.
- (4) Stock Appreciation Rights, pursuant to the 2002 Equity Compensation Plan, which vests 50% on the 36th month, 12.5% at the 45th month and 12.5% every 3 months thereafter from 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.