

Usilton Thomas O  
 Form 4  
 May 13, 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 \*  
 Usilton Thomas O

(Last) (First) (Middle)  
 C/O DAVITA INC., 1551  
 WEWATTA STREET  
 (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)  
 05/11/2010

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)  
 Senior Vice President

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	05/11/2010		M		16,666	A	\$ 49.7
Common Stock	05/11/2010		F		12,941	D	\$ 64.01
Common Stock	05/11/2010		S		3,725	D	\$ 63.3165 <u>(1)</u>
Common Stock	05/11/2010		M		25,000	A	\$ 46.26
Common Stock	05/11/2010		F		18,068	D	\$ 64.01
							27,669
							14,728
							11,003
							36,003
							17,935

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Common Stock	05/11/2010	S	6,932	D	\$ 63.3445 (2)	11,003	D
Common Stock	05/11/2010	M	15,500	A	\$ 52.12	26,503	D
Common Stock	05/11/2010	F	12,621	D	\$ 64.01	13,882	D
Common Stock	05/11/2010	S	2,879	D	\$ 63.4118 (3)	11,003	D
Common Stock	05/11/2010	M	40,000	A	\$ 46	51,003	D
Common Stock	05/11/2010	S	40,000	D	\$ 63.4984 (4)	11,003	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)		
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of
Stock Appreciation Right	\$ 49.7	05/11/2010		M	16,666	07/01/2007 <sup>(5)</sup>	07/01/2011	Common Stock	10
Stock Appreciation Right	\$ 46.26	05/11/2010		M	25,000	03/02/2010 <sup>(5)</sup>	03/02/2014	Common Stock	25
Stock Appreciation Right	\$ 52.12	05/11/2010		M	15,500	03/14/2009 <sup>(6)</sup>	03/14/2012	Common Stock	15
	\$ 46	05/11/2010		M	40,000	03/30/2007 <sup>(7)</sup>	09/22/2010		40

Stock  
Options  
(Right to  
Buy)

Common  
Stock

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
Usilton Thomas O C/O DAVITA INC. 1551 WEWATTA STREET DENVER, CO 80202			Senior Vice President	

## Signatures

/s/ Jeffrey L. Miller,  
Attorney-in-Fact

05/13/2010

\_\_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 range of prices for the sale of these shares was \$63.29 - \$63.36. 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 \$63.27 - \$63.49. 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) The range of prices for the sale of these shares was \$63.40 - \$63.46. The filer undertakes to provide staff, the issuer, or a security holder full information regarding the number of shares sold at each separate price
  - (4) The range of prices for the sale of these shares was \$63.27 - \$63.60. The filer undertakes to provide staff, the issuer, or a security holder full information regarding the number of shares sold at each separate price
  - (5) 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.
  - (6) Stock Appreciation Right, pursuant to the 2002 Equity Compensation Plan, which vest 25% on the second anniversary of the grant date, 12.5% on the 32nd month following the grant date, and 12.5% every four months thereafter.
  - (7) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, which vest 50% on 3/30/07, then 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.