

DAVITA INC  
Form 4  
June 04, 2008

**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 \*  
**MELLO JOSEPH C**

(Last) (First) (Middle)  
  
601 HAWAII ST.  
  
(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)  
**06/02/2008**

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)

Chief Operating Officer

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 (A) or (D) Price			
Common Stock	06/02/2008		M <sup>(1)</sup>	20,456 A \$ 30.0667	25,144	D	
Common Stock	06/02/2008		S <sup>(2)</sup>	600 D \$ 51.79	24,544	D	
Common Stock	06/02/2008		S <sup>(2)</sup>	200 D \$ 51.8	24,344	D	
Common Stock	06/02/2008		S <sup>(2)</sup>	300 D \$ 51.83	24,044	D	
Common Stock	06/02/2008		S <sup>(2)</sup>	227 D \$ 51.87	23,817	D	

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Common Stock	06/02/2008	<u>S(2)</u>	1,300	D	\$ 51.88	22,517	D
Common Stock	06/02/2008	<u>S(2)</u>	200	D	\$ 51.89	22,317	D
Common Stock	06/02/2008	<u>S(2)</u>	329	D	\$ 51.9	21,988	D
Common Stock	06/02/2008	<u>S(2)</u>	300	D	\$ 51.91	21,688	D
Common Stock	06/02/2008	<u>S(2)</u>	300	D	\$ 51.93	21,388	D
Common Stock	06/02/2008	<u>S(2)</u>	1,400	D	\$ 51.94	19,988	D
Common Stock	06/02/2008	<u>S(2)</u>	200	D	\$ 51.95	19,788	D
Common Stock	06/02/2008	<u>S(2)</u>	2,000	D	\$ 51.96	17,788	D
Common Stock	06/02/2008	<u>S(2)</u>	1,300	D	\$ 51.97	16,488	D
Common Stock	06/02/2008	<u>S(2)</u>	2,000	D	\$ 51.99	14,488	D
Common Stock	06/02/2008	<u>S(2)</u>	300	D	\$ 52.04	14,188	D
Common Stock	06/02/2008	<u>S(2)</u>	900	D	\$ 52.06	13,288	D
Common Stock	06/02/2008	<u>S(2)</u>	1,200	D	\$ 52.07	12,088	D
Common Stock	06/02/2008	<u>S(2)</u>	600	D	\$ 52.08	11,488	D
Common Stock	06/02/2008	<u>S(2)</u>	100	D	\$ 52.1	11,388	D
Common Stock	06/02/2008	<u>S(2)</u>	100	D	\$ 52.11	11,288	D
Common Stock	06/02/2008	<u>S(2)</u>	200	D	\$ 52.13	11,088	D
Common Stock	06/02/2008	<u>S(2)</u>	100	D	\$ 52.15	10,988	D
Common Stock	06/02/2008	<u>S(2)</u>	500	D	\$ 52.17	10,488	D
Common Stock	06/02/2008	<u>S(2)</u>	1,000	D	\$ 52.18	9,488	D
	06/02/2008	<u>S(2)</u>	300	D	\$ 52.19	9,188	D

Common Stock							
Common Stock	06/02/2008	S <sup>(2)</sup>	100	D	\$ 52.2	9,088	D
Common Stock	06/02/2008	S <sup>(2)</sup>	1,908	D	\$ 52.21	7,180	D
Common Stock	06/02/2008	S <sup>(2)</sup>	1,192	D	\$ 52.22	5,988	D
Common Stock	06/02/2008	S <sup>(2)</sup>	1,300	D	\$ 52.23	4,688	D

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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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 of Underlying Securities (Instr. 3 and 4)		
						Date Exercisable	Expiration Date	Title	Amount or Number of Shares
						Code	V (A) (D)		
Stock Option (Right to Buy)	\$ 30.0667	06/02/2008		M <sup>(3)</sup>	20,456	03/24/2005 03/24/2009	Common Stock	20,456	

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
MELLO JOSEPH C 601 HAWAII ST. EL SEGUNDO, CA 90245			Chief Operating Officer	

## Signatures

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

06/04/2008

\_\_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) Acquisition of these shares was completed in accordance with a 10b5-1 sales plan.
  - (2) The sale of these shares was completed in accordance with a 10b5-1 sales plan.
  - (3) The exercise of these options was completed in accordance with a 10b5-1 sales plan.

### Remarks:

Continued from prior Form 4 filing.

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