

THIRY KENT J
Form 4
August 09, 2012

FORM 4

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

OMB APPROVAL

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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)
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)
08/07/2012

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)
Chairman & Chief Exec. 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 | 08/07/2012 | | M | | 371,292 | A | \$ 43.7 |
| Common Stock | 08/07/2012 | | F | | 169,492 | D | \$ 95.73 |
| Common Stock | 08/07/2012 | | S | | 201,800 | D | \$ 96.7337 (1) |
| Common Stock | 08/08/2012 | | M | | 216,708 | A | \$ 43.7 |
| Common Stock | 08/08/2012 | | F | | 97,631 | D | \$ 97 |

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Common Stock 08/08/2012 S 119,077 D 97.1206 204,427 D
 \$
 (2)

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 Underlying Security (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|
| Stock Appreciation Right | \$ 43.7 | 08/07/2012 | | M | 371,292 | 03/11/2009 ⁽³⁾ 03/11/2013 | Common Stock |
| Stock Appreciation Right | \$ 43.7 | 08/08/2012 | | M | 216,708 | 03/11/2009 ⁽³⁾ 03/11/2013 | Common Stock |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---------------|-----------|--------------------------------|-------|
| | Director | 10% Owner | Officer | Other |
| THIRY KENT J C/O DAVITA INC. 1551 WEWATTA ST. DENVER, CO 80202 | X | | Chairman & Chief Exec. Officer | |

Signatures

/s/ Kim M. Rivera
Attorney-in-Fact 08/09/2012

**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)

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The range of prices for the sale of these shares was \$97.15 - \$97.25. 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 \$96.51 - \$97.47. The filer undertakes to provide staff, the issuer or a security holder full information regarding the number of shares sold at each separate price.

Stock Appreciation Right, pursuant to the DaVita Inc. 2002 Equity Compensation Plan, (as amended and restated, the "DaVita Inc. 2011

- (3) Incentive Award Plan," effective June 6, 2011), which vested 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.

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