Rodriguez Javier Form 3 October 19, 2007

### FORM 3

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

OMB APPROVAL

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INITIAL STATEMENT OF 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 2. Date of Event Requiring 3. Issuer Name and Ticker or Trading Symbol Person \* Statement DAVITA INC [DVA] Rodriguez Javier (Month/Day/Year) 10/11/2007 (Last) (First) (Middle) 4. Relationship of Reporting 5. If Amendment, Date Original Person(s) to Issuer Filed(Month/Day/Year) **601 HAWAII STREET** (Check all applicable) (Street) 6. Individual or Joint/Group Filing(Check Applicable Line) 10% Owner Director \_X\_ Form filed by One Reporting \_X\_\_ Officer Other Person (give title below) (specify below) EL SEGUNDO, Â WAÂ 90245 Form filed by More than One Senior Vice President Reporting Person (City) (State) (Zip) Table I - Non-Derivative Securities Beneficially Owned 1. Title of Security 2. Amount of Securities 4. Nature of Indirect Beneficial (Instr. 4) Beneficially Owned Ownership Ownership (Instr. 4) Form: (Instr. 5) Direct (D) or Indirect (I) (Instr. 5) D Â Common Stock  $1,500^{(1)}$ Common Stock 15,000 (2) D Â Common Stock D Â 5,880 Reminder: Report on a separate line for each class of securities beneficially SEC 1473 (7-02) 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

Table II - Derivative Securities Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

currently valid OMB control number.

| 1. Title of Derivative | 2. Date Exercisable and | 3. Title and Amount of | 4.          | 5.        | 6. Nature of        |
|------------------------|-------------------------|------------------------|-------------|-----------|---------------------|
| Security               | Expiration Date         | Securities Underlying  | Conversion  | Ownership | Indirect Beneficial |
| (Instr. 4)             | (Month/Day/Year)        | Derivative Security    | or Exercise | Form of   | Ownership           |

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|                              | Date Exercisable | Expiration<br>Date | (Instr. 4) Title | Amount or<br>Number of<br>Shares | Price of<br>Derivative<br>Security | Derivative<br>Security:<br>Direct (D)<br>or Indirect<br>(I)<br>(Instr. 5) | (Instr. 5) |
|------------------------------|------------------|--------------------|------------------|----------------------------------|------------------------------------|---|------------|
| Stock Options (Right to Buy) | 04/04/2004(3)    | 04/04/2008         | Common<br>Stock  | 12,750                           | \$ 13.7333                         | D   | Â          |
| Stock Options (Right to Buy) | 08/12/2005(4)    | 08/12/2009         | Common<br>Stock  | 60,000                           | \$ 28.01                           | D   | Â          |
| Stock Options (Right to Buy) | 09/28/2005(5)    | 09/28/2009         | Common<br>Stock  | 30,000                           | \$ 31.04                           | D   | Â          |
| Stock Options (Right to Buy) | 03/30/2007(6)    | 09/22/2010         | Common<br>Stock  | 24,000                           | \$ 46                              | D   | Â          |
| Stock Options (Right to Buy) | 12/30/2007(7)    | 12/30/2010         | Common<br>Stock  | 22,000                           | \$ 50.64                           | D   | Â          |
| Stock Appreciation<br>Right  | 07/01/2007(8)    | 07/01/2011         | Common<br>Stock  | 200,000                          | \$ 49.7                            | D   | Â          |
| Stock Appreciation<br>Right  | 03/14/2009(9)    | 03/14/2012         | Common<br>Stock  | 60,000                           | \$ 52.12                           | D   | Â          |
| Stock Appreciation<br>Right  | 03/14/2010(10)   | 03/14/2012         | Common<br>Stock  | 100,000                          | \$ 52.12                           | D   | Â          |
| Stock Appreciation<br>Right  | 07/30/2008(11)   | 07/30/2012         | Common<br>Stock  | 150,000                          | \$ 54.13                           | D   | Â          |

# **Reporting Owners**

| Reporting Owner Name / Address                                | Relationships |           |                       |       |  |
|---|---------------|-----------|-----------------------|-------|--|
| <b></b>   | Director      | 10% Owner | Officer               | Other |  |
| Rodriguez Javier<br>601 HAWAII STREET<br>EL SEGUNDO, WA 90245 | Â             | Â         | Senior Vice President | Â     |  |

## **Signatures**

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

\*\*Signature of Reporting Person Date

### **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, *see* Instruction 5(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) Grant of 4,500 Restricted Stock Units on 5/28/03, of which 1,500 are now outstanding.
- (2) Grant of 15,000 Restricted Stock Units on 7/30/07, of which 15,000 are now outstanding.
- (3) Non-qualified stock options which vested 25% on the first four anniversaries of the grant date.

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- (4) Non-qualified stock options 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 4 months thereafter.
- Non-qualified stock options 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 4 months thereafter.
- (6) Non-qualified stock options which vested 50% on 3/30/07 and 8.33% every four months thereafter.
- (7) Non-qualified stock options which vest 50% on the 2nd anniversary of the grant date, and 25% on the 3rd and 4th anniversaries of the grant date.
- (8) Stock Appreciation Right, 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
- (9) Stock Appreciation Right, which vests 25% on the 2nd anniversary of the grant date, 12.5% on the 32nd month following the grant date, and 12.5% every 4 month thereafter.
- (10) Stock Appreciation Right, which vests 50% on the 3rd anniversary of the grant date, 12.5% on the 45th month following the grant date, then 12.5% every 3 months thereafter.
- (11) Stock Appreciation Right, which vests 25% on the 1st anniversary of the grant date, 8.33% on the 20th month following the grant date, and 8.33% every 4 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.