

MELLO JOSEPH C
Form 4
September 17, 2008

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 *
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)
09/16/2008

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) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
| | | | | (A) or (D) | Price | | |
| Common Stock | 09/16/2008 | | M ⁽¹⁾ | 25,000 A | \$ 46 | 29,688 | D |
| Common Stock | 09/16/2008 | | S ⁽²⁾ | 25,000 D | \$ 56.5054 | 4,688 | D |
| Common Stock | 09/16/2008 | | M ⁽¹⁾ | 12,500 A | \$ 49.7 | 17,188 | D |
| Common Stock | 09/16/2008 | | F | 10,827 D | \$ 57.38 | 6,361 | D |
| Common Stock | 09/16/2008 | | S ⁽²⁾ | 1,673 D | \$ 56.5262 | 4,688 | D |

(3)

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) | 8. Amount or Number of Shares |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|-------------------------------|
| Stock Option (Right to Buy) | \$ 46 | 09/16/2008 | | M ⁽⁴⁾ | 25,000 | 03/30/2007 09/22/2010 | Common Stock | 25,000 |
| Stock Appreciation Rights | \$ 49.7 | 09/16/2008 | | M ⁽⁴⁾ | 12,500 | 07/01/2007 07/01/2011 | Common Stock | 12,500 |

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

09/17/2008

**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) The 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.

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- (3) The range of prices for the sale of these shares was \$55.89 - \$57.55. 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 exercise of these shares was completed in accordance with a 10b5-1 sales plan.

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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