

Schohl Joseph
Form 4
February 18, 2009

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 *
Schohl Joseph

(Last) (First) (Middle)
601 HAWAII STREET
(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)
02/13/2009

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)
VP, Gen. Counsel & Secretary

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 Ownership (Instr. 4) | | |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|-----------|---|
| | | | Code | V | Amount or Price | | | | |
| Common Stock | 02/13/2009 | | M | | 5,000 (1) | A | \$ 33 | 8,167 (2) | D |
| Common Stock | 02/13/2009 | | S | | 5,000 (1) | D | \$ 52.43 | 3,167 (2) | D |
| Common Stock | 02/13/2009 | | S | | 1,083 (1) | D | \$ 53.0647 (3) | 2,084 (2) | D |

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

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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) | Amount or Number of Shares |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|----------------------------|
| Stock Option (Right of Buy) | \$ 33 | 02/13/2009 | | M | 5,000 | 11/18/2005 ⁽⁴⁾ 11/18/2009 | Common Stock | 5,000 |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|------------------------------|-------|
| | Director | 10% Owner | Officer | Other |
| Schohl Joseph 601 HAWAII STREET EL SEGUNDO, CA 90245 | | | VP, Gen. Counsel & Secretary | |

Signatures

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

02/18/2009

**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) Mr. Schohl disclaims beneficial ownership of 2,500 of the options exercised and sold on 2/13/09 and disclaims beneficial ownership of 541.5 of the shares sold on 2/13/09. Mr. Schohl does not have a pecuniary interest in such options and shares which are owned by his ex-spouse. The exercise and sale of such options and shares did not occur at his discretion and he did not receive the economic benefit of these transactions.
- (2) Mr. Schohl disclaims beneficial ownership of (i) 2,500 of the shares received upon exercise of the option on 2/13/09, (ii) 1,583.5 of the share balance following the sale of 5,000 shares on 2/13/09 and (iii) 1,042 of the share balance following the sale of 1,083 shares on 2/13/09. Mr. Schohl does not have a pecuniary interest in the amounts disclaimed as described in footnote #1.
- (3) The range of prices for the sale of these shares was \$53.06 - \$53.08. The filer undertakes to provide staff, the issuer, or a security holder full information regarding the number of shares sold at each separate price.

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- (4) Non-qualified stock options, pursuant to the 2002 Equity Compensation Plan, 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.

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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