

Kelly Thomas L  
 Form 3  
 October 19, 2004

**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 Person *    |  | 2. Date of Event Requiring Statement | 3. Issuer Name and Ticker or Trading Symbol                                                                                                                                                                          |                                                                                                                                                 |
| Kelly Thomas L<br>(Last) (First) (Middle)    |  | 10/14/2004<br>(Month/Day/Year)       | DAVITA INC [DVA]                                                                                                                                                                                                     |                                                                                                                                                 |
| 601 HAWAII STREET<br>(Street)                |  |                                      | 4. Relationship of Reporting Person(s) to Issuer                                                                                                                                                                     | 5. If Amendment, Date Original Filed(Month/Day/Year)                                                                                            |
| EL SEGUNDO, CA 90245<br>(City) (State) (Zip) |  |                                      | (Check all applicable)                                                                                                                                                                                               | 6. Individual or Joint/Group Filing(Check Applicable Line)                                                                                      |
|                                              |  |                                      | <input type="checkbox"/> Director <input type="checkbox"/> 10% Owner<br><input checked="" type="checkbox"/> Officer <input type="checkbox"/> Other<br>(give title below) (specify below)<br>Executive Vice President | <input checked="" type="checkbox"/> Form filed by One Reporting Person<br><input type="checkbox"/> Form filed by More than One Reporting Person |

**Table I - Non-Derivative Securities Beneficially Owned**

| 1. Title of Security<br>(Instr. 4) | 2. Amount of Securities Beneficially Owned<br>(Instr. 4) | 3. Ownership Form:<br>Direct (D)<br>or Indirect (I)<br>(Instr. 5) | 4. Nature of Indirect Beneficial Ownership<br>(Instr. 5) |
|------------------------------------|----------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------|
| Common Stock <sup>(1)</sup>        | 37,500                                                   | D                                                                 | ^                                                        |

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

SEC 1473 (7-02)

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

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

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|                              |                           |            |              | Shares  |            | (I)<br>(Instr. 5) |   |
|------------------------------|---------------------------|------------|--------------|---------|------------|-------------------|---|
| Stock Options (Right to Buy) | 06/07/2005 <sup>(2)</sup> | 06/07/2009 | Common Stock | 187,500 | \$ 31.4667 | D                 | Â |

## Reporting Owners

| Reporting Owner Name / Address                              | Relationships |           |                            |       |
|-------------------------------------------------------------|---------------|-----------|----------------------------|-------|
|                                                             | Director      | 10% Owner | Officer                    | Other |
| Kelly Thomas L<br>601 HAWAII STREET<br>EL SEGUNDO, CA 90245 | Â             | Â         | Â Executive Vice President | Â     |

## Signatures

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

10/19/2004

\_\_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 Restricted Stock Units pursuant to the 2002 Equity Compensation Plan, which vest according to the following schedule: 15,000 vest on June 7, 2006, 7,500 vest on June 7, 2007, 2008, and 2009.
- (2) Grant of Non-Qualified Stock Options which vest according to the following schedule: 46,875 vest on June 7, 2005, 2006, 2007, and 2008.

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.