

BUFFETT WARREN E

Form 4

November 02, 2012

**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 \*  
BERKSHIRE HATHAWAY INC

2. Issuer Name and Ticker or Trading Symbol  
DAVITA INC [DVA]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)  
3555 FARNAM STREET  
(Street)  
OMAHA, NE 68131

3. Date of Earliest Transaction (Month/Day/Year)  
10/31/2012

\_\_\_ Director \_\_\_X\_\_\_ 10% Owner  
\_\_\_ Officer (give title below) \_\_\_ Other (specify below)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line)  
\_\_\_ Form filed by One Reporting Person  
\_X\_ 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) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
| Common Stock                    | 10/31/2012                           |  | P                              | 96,180 A  | \$ 112.1303 10,901,161  | I  | See footnotes 7 and 8. (7) (8)                        |
| Common Stock                    | 10/31/2012                           |  | P                              | 6,046 A   | \$ 112.7663 10,907,207  | I  | See footnotes 7 and 8. (7) (8)                        |
| Common Stock                    | 11/01/2012                           |  | P                              | 71,100 A  | \$ 112.2055 10,978,307  | I  | See footnotes 7 and 8. (7) (8)                        |

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| Common Stock | Transaction Date | Code | Quantity | Category | Price              | Value      | Instrument | Notes                             |
|--------------|------------------|------|----------|----------|--------------------|------------|------------|-----------------------------------|
| Common Stock | 11/01/2012       | P    | 17,770   | A        | \$ 112.9191<br>(4) | 10,996,077 | I          | See footnotes 7 and 8.<br>(7) (8) |
| Common Stock | 11/02/2012       | P    | 59,554   | A        | \$ 112.0016<br>(5) | 11,055,631 | I          | See footnotes 7 and 8.<br>(7) (8) |
| Common Stock | 11/02/2012       | P    | 4,100    | A        | \$ 112.6951<br>(6) | 11,059,731 | I          | See footnotes 7 and 8.<br>(7) (8) |

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 Securities (Instr. 3 and 4) | 8. Price of Derivative Security (Instr. 5) | 9. Number of Derivative Securities Beneficially Owned Following Reported Transaction (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|--|---|
|  |  |                                      |  | Code                           | V (A) (D)   | Date Exercisable   | Expiration Date   | Title                                      | Amount or Number of Shares  |

## Reporting Owners

| Reporting Owner Name / Address                                  | Relationships |           |         |       |
|---|---------------|-----------|---------|-------|
|   | Director      | 10% Owner | Officer | Other |
| BERKSHIRE HATHAWAY INC<br>3555 FARNAM STREET<br>OMAHA, NE 68131 |               | X         |         |       |
| BUFFETT WARREN E<br>3555 FARNAM STREET<br>OMAHA, NE 68131       |               | X         |         |       |

## Signatures

Berkshire Hathaway Inc., by Marc D.  
Hamburg

11/02/2012

\_\_Signature of Reporting Person

Date

Warren E. Buffett

11/02/2012

\_\_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) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$111.56 to \$112.55. The reporting person undertakes to provide to DaVita Inc. ("DaVita"), any security holder of DaVita, or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares sold at each separate price within the ranges set forth in footnotes 1-6 to this Form 4.

(2) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$112.56 to \$113.00.

(3) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$111.84 to \$112.83.

(4) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$112.84 to \$113.00.

(5) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$111.47 to \$112.46.

(6) The price reported in Column 4 is a weighted average price. These shares were sold in multiple transactions at prices ranging from \$112.47 to \$112.93.

(7) 6,000,000 of the total reported securities are owned by the following subsidiaries of Berkshire Hathaway Inc. ("Berkshire"): Government Employees Insurance Company ("Government Employees") (3,739,467) and GEICO Indemnity Company ("GEICO") (2,260,533). As Berkshire is in the chain of ownership of these subsidiaries, it may be deemed presently to both beneficially own and have a pecuniary interest in all shares of Common Stock presently owned by each such subsidiary. Warren E. Buffett, as the controlling stockholder of Berkshire, may be deemed presently to beneficially own, but only to the extent he has a pecuniary interest in, the shares of Common Stock presently owned by each such subsidiary. Mr. Buffett disclaims beneficial ownership of the reported securities except to the extent of his pecuniary interest therein.

(8) 5,059,731 of the total reported securities are owned by the following pension plans of Berkshire's subsidiaries: Acme Brick Company Pension Trust (175,000), The Buffalo News Office Pension Plan (65,000), The Buffalo News Mechanical Pension Plan (16,000), The Buffalo News Drivers/Distributors Pension Plan (7,000), The Buffalo News Editorial Pension Plan (105,000), Dexter Pension Plan (90,000), Flightsafety International Inc. Retirement Income Plan (300,000), Fruit of the Loom Pension Trust (670,000), GEICO Corporation Pension Plan Trust (1,303,769), Johns Manville Corporation Master Pension Trust (1,182,800), Justin Brands, Inc. Union Pension Plan & Justin Brands, Inc. Pension & Trust (96,000), Scott Fetzer Collective Investment Trust (187,000), and BNSF Master Retirement Trust (862,162); each of Berkshire, Mr. Buffett and these pension plans disclaims beneficial ownership in such shares.

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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