

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of

**DAVITA INC.,**  
a corporation.

File No. 051-0051

**AGREEMENT CONTAINING CONSENT ORDERS**

The Federal Trade Commission (“Commission”) having initiated an investigation of the proposed acquisition by DaVita Inc. (“Proposed Respondent”) of Gambro Healthcare Inc., and it now appearing that Proposed Respondent is willing to enter into this Agreement Containing Consent Orders (“Consent Agreement”) to divest certain assets and providing for other relief:

**IT IS HEREBY AGREED** by and between Proposed Respondent, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. DaVita Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 601 Hawaii Street, El Segundo, CA 90245.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
  - a. any further procedural steps;
  - b. the requirement that the Commission’s Decision and Order and Order to Maintain Assets, both of which are attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
  - c. all rights to seek judicial review or otherwise challenge or contest the validity of the Decision and Order or the Order to Maintain Assets entered pursuant to this Consent Agreement; and
  - d. any claim under the Equal Access to Justice Act.





required to file one or more compliance reports showing that it has fully complied with the Decision and Order and the Order to Maintain Assets. Proposed Respondent agrees to comply with the terms of the proposed Decision and Order and the Order to Maintain Assets from the date it signs this Consent Agreement. Proposed Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order and of the Order to Maintain Assets after they become final.

Signed this \_\_\_\_ day of September, 2005.

**DAVITA INC.**

**FEDERAL TRADE COMMISSION**

By: \_\_\_\_\_  
Joseph Schohl  
General Counsel  
DaVita Inc.

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Bureau of Competition

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**APPROVED:**

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