

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Deborah Platt Majoras, Chairman
Pamela Jones Harbour
Jon Leibowitz
William E. Kovacic

In the Matter of

DAVITA INC.,
a corporation.

File No. 051-0051, Docket No. C-4152

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Respondent DaVita Inc. (hereafter referred to as "Respondent") respectfully requests an extension of time to obtain the prior approval of the Federal Trade Commission ("Commission") for the divestiture of the Owned Real Property, as defined and described in the Decision and Order in the above captioned matter ("Order"). Respondent has reached agreement with two Acquirers for the divestiture of the Owned Real Property, subject to Commission approval and has filed simultaneously with this motion, a petition to the Commission for approval of this proposed divestiture. In order to allow time for Respondent to obtain Commission approval of

Owned Real Property¹ refers to the real property underlying four dialysis clinics, which Respondent sold to Renal Advantage on October 6, 2005.

2. The divestiture of the Owned Real Property relates solely to the sale of the physical

¹ party landlords own the real property for sixty-five (65) out of the sixty-nine (69) clinics divested, and Commission staff required Respondent to assign these leases to Renal Advantage as part of the Order. Prior to recommending the consent package, Commission staff required that Respondent enter into a long-term lease with Renal Advantage for the Owned Real Property with certain restrictions that serve to protect Renal Advantage during the interim period when Respondent continued to own these properties. The Acquirers of the Owned Real Property will be assuming the leases between Respondent and Renal Advantage that Commission staff already reviewed and approved.

² Paragraph II.A.5. of the Order requires that Respondent divest the Owned Real Property

reach agreement with the Acquirers

[REDACTED]

Dependent finally reached agreement with both Acquirers when Dependent further reduced the