

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:17-cv-00304-WJM-NRN

PEACE OFFICERS' ANNUITY AND BENEFIT FUND OF GEORGIA, Individually and on Behalf of All Others Similarly Situated, and JACKSONVILLE POLICE AND FIRE PENSION FUND, Individually and on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

DAVITA INC., KENT J. THIRY, JAMES K. HILGER, and JAVIER J. RODRIGUEZ,

Defendants.

**SUMMARY NOTICE OF (I) PROPOSED SETTLEMENT AND PLAN OF ALLOCATION;  
(II) SETTLEMENT FAIRNESS HEARING; AND (III) MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

**TO: All persons or entities who purchased or otherwise acquired common stock of DaVita Inc. ("DaVita or the "Company") during the time period between February 26, 2015 and October 6, 2017, inclusive, (the "Settlement Class Period").**

**PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of Colorado, that the above-captioned litigation (the "Action") has been certified as a class action for settlement purposes only on behalf of the Settlement Class, except for certain persons and entities who are excluded from the Settlement Class by definition as set forth in the full printed Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (the "Notice").

YOU ARE ALSO NOTIFIED that Lead Plaintiffs in the Action have reached a proposed settlement of the Action for \$135 million dollars (\$135,000,000.00) in cash (the "Settlement"), that, if approved, will resolve all claims in the Action.

A hearing will be held on March 30, 2021 at 10:00 a.m., before the Honorable William J. Martinez at the United States District Court for the District of Colorado, Alfred A. Arraj United States Courthouse A841 / Courtroom A801, 901 19th Street, Denver, CO 80294, to determine (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate; (ii) whether the Action should be dismissed with prejudice against the Defendant Releasees, and the Releasees specified and described in the Stipulation and Agreement of Settlement (the "Stipulation") (and in the Notice) should be granted; (iii) whether the proposed Plan of Allocation should be approved as fair and reasonable; and (iv) whether Lead Counsel's application for an award of attorneys' fees and reimbursement of Litigation Expenses should be approved. The capitalized terms herein shall have the same meaning as they have in the Stipulation.

The Court may adjourn the Settlement Hearing or any adjournment thereof without further written notice of any kind to the Settlement Class. Settlement Class Members should check the settlement website at [www.DaVitaSecuritiesLitigation.com](http://www.DaVitaSecuritiesLitigation.com), the Court's PACER site (defined below) or contact Lead Counsel at the address below.

**If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Settlement Fund.** If you have not yet received the Notice and Claim Form, you may obtain copies of these documents by contacting the Claims Administrator at *DaVita Securities Litigation*, PO Box 6659, Portland, OR 97228-6659, 888-490-0619. Copies of the Notice and Claim Form are also available by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cod.uscourts.gov/>, or by visiting the Office of the Clerk, United States District Court for the District of Colorado, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Room A105, Denver, CO 80294 during normal business hours. Additionally, the Notice and Claim Form can be downloaded

from the website maintained by the Claims Administrator, [www.DaVitaSecuritiesLitigation.com](http://www.DaVitaSecuritiesLitigation.com).

If you are a member of the Settlement Class, in order to potentially be eligible to receive a payment under the proposed Settlement, you must submit a Claim Form *postmarked no later than March 20, 2021*. If you are a Settlement Class Member and do not submit a proper Claim Form, you will not be eligible to share in the distribution of the net proceeds of the Settlement but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement Class, you must submit a request for exclusion such that it is *received no later than February 16, 2021*, in accordance with the instructions set forth in the Notice. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by the Court in the Action and you will not be eligible to share in the proceeds of the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel's motion for attorneys' fees and reimbursement of expenses, must be filed with the Clerk of the Court by *February 16, 2021* and served to representatives of Lead Counsel and Defendants' Counsel such that they are *postmarked no later than February 16, 2021*, in accordance with the instructions set forth in the Notice.

**Please do not contact the Court, the Clerk's office, DaVita, or its counsel regarding this notice. All questions about this notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to Lead Counsel or the Claims Administrator.**

Inquiries, other than requests for the Notice and Claim Form, should be made directed to:

SAXENA WHITE P.A.  
Lester R. Hooker, Esq.  
7777 Glades Rd., Suite 300  
Boca Raton, FL 33434  
(561) 206-6708  
lhooker@saxenawhite.com

Requests for the Notice and Claim Form should be made to:

*DaVita Securities Litigation*  
PO Box 6659  
Portland, OR 97228-6659  
888-490-0619  
[www.DaVitaSecuritiesLitigation.com](http://www.DaVitaSecuritiesLitigation.com)  
info@DaVitaSecuritiesLitigation.com

By Order of the Court