

Br. K&L | GATES

40-33

K&L Gates LLP  
1601 K Street NW  
Washington, DC 20006-1600  
T 202.778.9000 www.klgates.com

October 19, 2010



Via Hand Delivery

Office of the Secretary  
United States Securities and Exchange  
Commission  
100 F Street, NE  
Washington, DC 20549

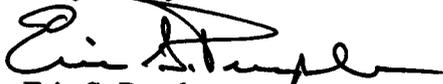
**Calamos Convertible and High Income Fund (SEC File No. 811- 21319)  
Filing Pursuant to Section 33 of the Investment Company Act of 1940**

Ladies and Gentlemen:

On behalf of Calamos Convertible and High Income Fund (SEC File No. 811- 21319) (the "Fund"), and the persons and entities listed on Appendix A to this letter, we are filing, pursuant to Section 33 of the Investment Company Act of 1940, the enclosed copy of plaintiff's Notice of Voluntary Dismissal in the case of Rutgers Casualty Insurance Co. v. Calamos et al., case number 10-CV-05106, which was filed in U.S. District Court for the Northern District of Illinois on October 5, 2010. The filing relates to the Fund and the persons and entities listed in Appendix A.

Please contact the undersigned at (202) 778-9220 if you have any questions regarding this filing.

Very truly yours,

  
Eric S. Purple

encl.

cc: J. Christopher Jackson, Calamos AdvisorsLLC  
Paulita Pike, K&L Gates LLP  
John Rotunno, K&L Gates LLP  
Paul Walsen, K&L Gates LLP



**Appendix A**

Affiliated Persons, or Former Affiliated Persons, of Calamos Convertible and High Income Fund (the “Fund”) Named as Defendants in Rutgers Cas. Ins. Co. v. Calamos et al.:

- John P. Calamos Sr., Chairman of the Board of the Fund
- Nick P. Calamos, Former Trustee of the Fund
- Weston W. Marsh, Independent Trustee of the Fund
- Joe F. Hannauer, Former Independent Trustee of the Fund
- John E. Neal, Independent Trustee of the Fund
- William R. Rybak, Independent Trustee of the Fund
- Stephen B. Timbers, Lead Independent Trustee of the Fund
- David D. Tripple, Independent Trustee of the Fund
- Calamos AdvisorsLLC, Investment Adviser to the Fund
- Calamos Asset Management, Inc., Indirect Parent Company of the Fund’s Investment Adviser

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RUTGERS CASUALTY INSURANCE  
COMPANY, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

JOHN P. CALAMOS, SR., Trustee of the Calamos  
Convertible and High Income Fund, NICK P.  
CALAMOS, former Trustee of the Calamos  
Convertible and High Income Fund, WESTON W.  
MARSH, Trustee of the Calamos Convertible and  
High Income Fund, JOE F. HANAUER, former  
Trustee of the Calamos Convertible and High  
Income Fund, JOHN E. NEAL, Trustee of the  
Calamos Convertible and High Income Fund,  
WILLIAM R. RYBAK, Trustee of the Calamos  
Convertible and High Income Fund, STEPHEN B.  
TIMBERS, Trustee of the Calamos Convertible  
and High Income Fund, DAVID D. TRIPPLE,  
Trustee of the Calamos Convertible and High  
Income Fund, CALAMOS ADVISORS, LLC, an  
investment advisor and Delaware limited liability  
company, CALAMOS ASSET MANAGEMENT,  
INC, a Delaware corporation and publicly-held  
holding company, CALAMOS CONVERTIBLE  
AND HIGH INCOME FUND, a Delaware  
statutory trust, and JOHN AND JANE DOES 1-  
100,

Defendants.

) Civil Action No. 1:10-cv-05106  
)  
) Honorable Charles R. Norgle, Sr  
)  
) **NOTICE OF VOLUNTARY**  
) **DISMISSAL WITHOUT**  
) **PREJUDICE AS TO**  
) **DEFENDANTS**

Plaintiff Rutgers Casualty Insurance Company, by and through the undersigned counsel,  
hereby voluntarily dismisses its claims without prejudice against Defendants pursuant to Rule

41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Defendants have not served an answer or motion for summary judgment to Plaintiff's complaint.

Dated: October 5, 2010

**POMERANTZ HAUDEK  
GROSSMAN & GROSS LLP**

By: s/Patrick V. Dahlstrom  
Patrick V. Dahlstrom

10 South LaSalle Street, Suite 3505  
Chicago, IL 60603  
Telephone: 312-377-1181  
Facsimile: 312-377-1184  
[pdahlstrom@pomlaw.com](mailto:pdahlstrom@pomlaw.com)

**POMERANTZ HAUDEK  
GROSSMAN & GROSS LLP**

Marc I. Gross  
Murielle J. Steven  
Jeremy A. Lieberman  
100 Park Avenue, 26th Floor  
New York, New York 10017  
Telephone: 212-661-1100  
Facsimile: 212-661-8665  
[migross@pomlaw.com](mailto:migross@pomlaw.com)  
[mjsteven@pomlaw.com](mailto:mjsteven@pomlaw.com)  
[jalieberman@pomlaw.com](mailto:jalieberman@pomlaw.com)

*Attorneys for Plaintiff*