

ARBITRATION REMEDIES—OMNIBUS, INCLUDING PROVISIONAL REMEDIES

- The arbitrator shall have the authority to award any remedy or relief that a court of this state could order or grant, including, without limitation, specific performance of any obligation created under the agreement, the awarding of punitive damages, the issuance of a preliminary or permanent injunction, or the imposition of sanctions for abuse or frustration of the arbitration process.

[Comment by Ed Costello: This clause grants the arbitrator broad, but not unlimited, powers. For instance, a normal arbitrator might be able to grant remedies that a state court judge could *not*. Nonetheless, the arbitrator is given some powers that he would normally not have, particularly the power to sanction parties for misconduct that abuses or frustrates the arbitration process. It is also unusual for the arbitrator to be given the power to specifically enforce compliance with a contract. Customarily, money damages would be awarded to the party who did not receive the promised performance.]