

**July 1, 2011**  
**Summary of Material Modifications**  
**Toys“R”Us, Inc. Benefit Program**

This document serves as a Summary of Material Modifications (“SMM”) and supplements or modifies the information contained in the Toys“R”Us Benefit Program Summary Plan Descriptions dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud. This SMM is adopted to comply with certain provisions of the Patient Protection and Affordable Care Act (the “Affordable Care Act”) and shall be effective as of July 1, 2011 (the “Effective Date”). All other provisions of the SPD will remain unchanged. If there are any discrepancies between the information contained in this SMM and the official written Plan documents, the Plan documents will govern.

1. The following information modifies information in the Toys“R”Us, Inc. Benefit Program Summary Plan Description dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud

***Grandfathered Health Plan Status***

The Toys“R”Us, Inc. Health Benefits Plan believes it is a “grandfathered health plan” under the Patient Protection and Affordable Care Act (the “Affordable Care Act”). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that the Plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirement to offer an opportunity for an external review of claims through an independent review organization. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of lifetime dollar limits on benefits.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the Plan Administrator:

Toys“R”Us, Inc. Attention: Benefits Department One Geoffrey Way Wayne, NJ 07470 1-973-617-3500	<i>and</i>	Toys“R”Us, Inc. Attention: Legal Department One Geoffrey Way Wayne, NJ 07470 1-973-617-3500
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You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at 1-866-444-3272 or [www.dol.gov/ebsa/healthreform](http://www.dol.gov/ebsa/healthreform). This website has a table summarizing which protections do and do not apply to grandfathered health plans.

2. The following information modifies information in the Toys“R”Us, Inc. Benefit Program Summary Plan Description dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud

***Lifetime Dollar Limits***

Any lifetime dollar limit under the Plan shall not apply to any essential health benefit.

***Enrollment***

Team members and/or eligible dependents whose coverage was terminated when reaching a lifetime limit under the Plan are eligible to re-enroll in coverage. Team members may re-enroll in

coverage during Annual Enrollment (April 21-May 23, 2011). Coverage for individuals who re-enroll due to reaching a lifetime dollar limit will be effective July 1, 2011.

3. The following information modifies information in the Toys“R”Us, Inc. Benefit Program Summary Plan Description dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud

***Annual Dollar Limits***

Any annual dollar limits under the Plan shall not apply to any essential health benefit. In this regard, the previous \$10,000 annual limit on covered prescriptions under “R” Choice shall no longer apply.

4. The following information modifies information in the Toys“R”Us, Inc. Benefit Program Summary Plan Description dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud

***Prohibition on Pre-Existing Conditions for Children Under Age 19***

Pre-existing condition limitations under the Plan shall not apply to any covered individual under the age of 19.

5. The following information modifies information in the Toys“R”Us, Inc. Benefit Program Summary Plan Description dated 2009: Aetna “R”CDHP, Aetna “R”Choice Health Plan, Kaiser CA Health Plan, and Triple-S Salud

***Rescission***

The Plan Administrator may rescind or void the coverage of an individual under the Plan only if (i) the individual (or person seeking coverage on behalf of the individual) performs an act, practice, or omission that constitutes fraud or (ii) the individual (or person seeking coverage on behalf of the individual) makes an intentional misrepresentation of a material fact.

In the event of a rescission of coverage, the Plan Administrator will provide 30-days advance written notice of such rescission to each affected individual.

The term “rescission” shall mean a cancellation or discontinuance of coverage retroactively, but does not include a retroactive cancellation for non-payment of premiums.